

AMENDED IN ASSEMBLY JANUARY 4, 2010  
AMENDED IN ASSEMBLY DECEMBER 3, 2009  
AMENDED IN SENATE NOVEMBER 3, 2009  
AMENDED IN SENATE NOVEMBER 3, 2009  
AMENDED IN SENATE OCTOBER 29, 2009

CALIFORNIA LEGISLATURE—2009–10 FIFTH EXTRAORDINARY SESSION

## SENATE BILL

**No. 1**

---

**Introduced by ~~Senators Romero, Huff, Alquist, and Wyland~~ Senator  
Steinberg**

(Coauthors: ~~Assembly Members Conway, Fong, Garrick, Hagman,  
Jeffries, Nestande, Silva, and Tran~~)

(Principal coauthor: *Assembly Member Brownley*)  
(Coauthor: *Senator Romero*)

August 27, 2009

---

An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Sections 44227.2 and 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, and to add Chapter 4.5 (commencing with Section 60550) to Part 33 of Division 4 of Title 2 of, the Education Code, and to amend Section 1095 of the *An act to amend Sections 52052.5, 60601, 60603, 60604, 60605.6, 60606, 60640, 60643, 60643.1, and 60900 of, to add Sections 10601.6, 10802.5, 10807, 49079.7, 44227.2, 60604.5, 60605.7, 60605.8, and 60605.9 to, and to add Chapter 18 (commencing with Section 53100) to Part 28 of Division 4 of Title 2 of, the Education Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to public schools.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, ~~Romero Steinberg. Public schools.~~ *Public schools: Race to the Top.*

*(1) The Education Data and Information Act of 2008 requires the State Chief Information Officer to convene a working group representing specified governmental entities that collect, report, or use individual pupil education data to create a strategic plan to link education data systems and to accomplish objectives relating to the accessibility of education data.*

*This bill, in addition, would authorize the State Department of Education, the University of California, the California State University, the Chancellor of the California Community Colleges, the Commission on Teacher Credentialing, the Employment Development Department, and the California School Information Services to enter into interagency agreements in order to facilitate specified objectives regarding the implementation of a longitudinal education data system and the transfer of education data.*

*(2) Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards and procedures for the issuance and renewal of teaching and services credentials.*

*This bill would establish the Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program for purposes of providing alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund, and would require the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. The bill would authorize the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program.*

*(3) Federal law, the federal Family Educational Rights and Privacy Act (FERPA), requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law prescribes additional rules relating to the authorized release of pupil data.*

*This bill would authorize the department, to the extent permissible under FERPA and specified state law, and commencing July 1, 2010,*

to conduct pupil data management on behalf of local educational agencies. The bill would require the department to establish, no earlier than July 1, 2010, an education data team to act as an institutional review board to review and respond to all requests for pupil data, as specified. The bill would make the department responsible for data management decisions for data under its jurisdiction and make the department and a local educational agency jointly liable for any data management decisions in which the department and the local educational agency participate jointly, as specified. The bill would require the department to develop appropriate policies and procedures for the education data team by July 1, 2010, that includes fees or charges that shall be imposed upon research applicants, as specified. The bill would require the department to perform the duties specified in these provisions with its existing resources. The bill would make these provisions inoperative on July 1, 2013, and repeal them on January 1, 2014.

(4) Existing law requires the Superintendent of Public Instruction to establish an advisory committee to advise on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program.

This bill would require the Superintendent and the state board, in consultation with the advisory committee, by July 1, 2013, to make recommendations to the Legislature and the Governor on, among other things, the establishment of a methodology for generating a measurement of group and individual academic performance growth by using individual pupil results from a longitudinally valid achievement assessment system.

(5) The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The ARRA requires a Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program.

This bill would state the Legislature's intent to implement education reforms to, among other things, ensure that California is positioned to be successful in the Race to the Top competition.

*This bill would authorize the Superintendent and the President of the State Board of Education to enter into a memorandum of understanding with a local educational agency for the purposes of implementing the Race to the Top program. The bill would require the Governor, the Superintendent, and the state board, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of an application for federal Race to the Top funds that includes specified elements. The bill would require the Department of Finance, concurrent with the submission of the plan to the Attorney General, to provide the appropriate policy and fiscal committees of both houses of the Legislature with a copy of the plan or plans. The bill would require the Superintendent, on or before January 1, 2011, to contract with an independent evaluator relating to the implementation of the state plan. The bill would require the Superintendent, on or before June 1, 2014, to provide the final evaluation to the Legislature, the Governor, and the state board, and require the department to use federal Race to the Top program funds for this evaluation.*

*This bill would require the Superintendent to establish a list of low-achieving schools and persistently lowest-achieving schools, as defined, according to specific criteria. The bill would require the Superintendent to notify the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, that one or more of the schools in its jurisdiction have been identified as a persistently lowest-achieving school. The bill, except as specified, would require the governing board of a school district, county office of education, or the governing body of a charter school or its equivalent to implement, for any school identified by the Superintendent as persistently lowest-achieving, one of four interventions for turning around lowest-achieving schools described in federal regulations and guidelines for the Race to the Top program, thereby imposing a state-mandated local program. The bill would authorize a persistently lowest-achieving school implementing specified intervention models to participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school.*

*(6) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System, known as CALPADS, and the California Longitudinal Teacher Integrated Data System, known as CALTIDES.*

*This bill would require CALPADS to be used to report data pursuant to specified federal programs, and would authorize data in the California Education Information System to be used by local educational agencies for purposes of evaluating teachers and administrators and making employment decisions, if those decisions comply with specified provisions of law.*

*(7) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.*

*This bill would express the intent of the Legislature that the reauthorization of the statewide pupil assessment program include specified elements, including a plan for transitioning to a system of high-quality assessments, as defined in the federal Race to the Top guidelines and regulations. The bill would establish the Academic Content Standards Commission, consisting of 12 appointed members, as specified. The commission would be required to develop academic content standards in language arts and mathematics, and would be required, on or before July 15, 2010, to present its recommended academic content standards to the state board. The bill would require the state board, on or before August 2, 2010, to adopt or reject the academic content standards, and would also require the Superintendent and the state board to present specified information to the Governor and appropriate policy and fiscal committees of the Legislature. This bill would exempt instructional materials adopted pursuant to those provisions from specified requirements relating to the approval and adoption of basic instructional materials by the state board.*

*This bill would require the Superintendent, the state board, and any other entity or individual designated by the Governor to participate in the Common Core State Standards Initiative consortium sponsored by the National Governors Association and the Council of Chief State School Officers or any associated or related interstate collaboration to jointly develop common high-quality standards or assessments aligned with the common set of standards.*

*Existing law makes certain provisions of the Greene Act inoperative on July 1, 2011, and repeals all of the act's provisions on January 1, 2012.*

*This bill would make the act inoperative on July 1, 2013, and would repeal the act as of January 1, 2014. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.*

*(8) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal Elementary and Secondary Education Act.*

*This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to specified provisions of federal law, subject to the submission of an expenditure plan to the Department of Finance, as specified.*

*(9) Existing law requires the director of the Employment Development Department to permit the use of any information in his or her possession to the extent necessary for specified purposes.*

*The bill would authorize the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain quarterly wage data on students in order to meet the requirements of the federal American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.*

*(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*(11) This bill would provide that it shall become operative only if SB 4 of the 5th Extraordinary Session is also enacted and becomes operative.*

~~(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law prohibits data in CALTIDES from being used, either solely or in conjunction with data from CALPADS, for purposes of pay, promotion, sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.~~

~~This bill would delete this prohibition and instead would authorize data in the California Education Information System to be used for purposes of evaluating teachers and administrators and making employment decisions relating to teachers, subject to specified provisions governing collective bargaining agreements. The bill additionally would require CALTIDES to include teacher and administrator performance and evaluation data required under federal law. The bill would specify that data in the California Education Information System shall not be used in violation of federal and state laws that protect an individual's right to privacy or the confidentiality of personal information.~~

~~(2) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.~~

~~This bill would also require the working group to facilitate the transfer of data from one segment to another and linkages to workforce data through interagency agreements and joint powers agreements, and to facilitate the ability of the state to publicly report data, as specified. The bill would change the date the plan is required to be delivered to the Legislature and the Governor to January 15, 2010, or the effective date of the bill, whichever is later. The bill would authorize this provision to be implemented using specified federal grant funds.~~

~~(3) Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards and procedures for the issuance and renewal of teaching and services credentials.~~

~~This bill would establish the Science, Technology, Engineering, and Math Educator Credentialing Program for purposes of providing alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund, and would require the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. The bill would authorize the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program.~~

~~(4) The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act further limits the maximum number of charter schools authorized to operate in the state each year, as specified.~~

~~This bill, commencing with the 2009–10 school year, would delete the limitation on the number of charter schools authorized to operate in the state, and would make other conforming changes.~~

~~The bill would require the Superintendent of Public Instruction to convene a working group consisting of specified members to make findings and recommendations to the Legislature and the Governor on certain matters relating to charter schools, including the adequacy of existing processes for authorizing, renewing, revoking or not renewing charter schools, and the extent to which charter schools receive equitable funding compared to traditional public schools. The bill would require the working group to submit recommendations to the Assembly and Senate Committees on Education and the Governor on or before December 1, 2010.~~

~~(5) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes 2 school districts to enter into an agreement that allows pupils to transfer between the 2 districts.~~

~~This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a low-achieving~~



school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment, the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require the State Board of Education to adopt emergency regulations to implement these provisions.

By requiring school districts to perform additional duties regarding the potential enrollment of nonresident pupils, this bill would impose a state-mandated local program.

(6) The Public Schools Accountability Act of 1999 requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Federal law, the federal Elementary and Secondary Education Act, requires that a school district provide certain notifications to parents and employees. Federal law also requires at least one alternative governance arrangement or major restructuring effort for any school that fails to make adequate yearly progress after one full school year of corrective action.

~~This bill would require the Superintendent to make recommendations to the state board, by February 1, 2010, or the effective date of the bill, whichever is later, regarding the criteria and conditions for determining the lowest achieving 5% of the persistently lowest achieving public schools, as specified. By April 1, 2010, or the effective date of the bill, whichever is later, the state board would be required to approve these criteria and conditions, with any necessary revisions. The bill would require the state board and the Superintendent, on or before June 1, 2010, or the effective date of the bill, whichever is later, and each year thereafter, to identify the lowest achieving 5% of the persistently lowest achieving public schools in the state, subject to specified exceptions. The bill would require the Superintendent, within 30 days of making this determination, to ensure each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school determined to be among those schools is provided with federally required notices containing specified information.~~

~~The bill would require the Superintendent and the state board to direct each determined school to take at least one of specified alternative governance or restructuring actions required by federal law. The bill would provide for the Superintendent to recommend revocation and for the state board to hold a hearing on revocation within 90 days if the school is a charter school. The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill's provisions, and to submit this evaluation to the Chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance no later than March 1, 2015.~~

~~Because the bill would require schools identified as the lowest achieving 5% of the persistently lowest achieving public schools in the state to take specified actions, it would impose a state-mandated local program.~~

~~(7) Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the state board to adopt statewide academically rigorous content standards pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards in core curriculum areas, as specified.~~

~~This bill would require the state board, no later than November 1, 2010, to amend the reading, writing, and mathematics academic content standards by adopting the grade level academic content standards developed as part of the Common Core State Standards Initiative and required by the federal Race to the Top Fund, as specified.~~

~~(8) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal Elementary and Secondary Education Act.~~

~~This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to the federal American Recovery and Reinvestment Act of 2009, subject to submission of an expenditure plan to the Department of Finance, as specified. The bill would authorize the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain quarterly wage data on students in order to meet the requirements of the federal American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.~~

~~(9) This bill would require the Governor, the Superintendent of Public Instruction, and the State Board of Education, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of a Phase I application for federal Race to the Top funds that includes specified elements that are consistent with the federal School Improvement Grant guidelines and the federal Race to the Top guidelines.~~

~~(10) This bill would require the Fiscal Crisis Management and Assistance Team, on or before April 1, 2010, or the effective date of the bill, whichever is later, to convene a task force for the purpose of developing a standardized process for reporting charter school financial and accounting data, and developing a standardized process for the provision of annual independent financial and compliance audits for charter schools. The task force would be required to submit recommendations to the Legislature on or before December 1, 2010, or the effective date of the bill, whichever is later.~~

~~(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. *It is the intent of the Legislature to implement*  
2     *education reforms to dramatically improve the achievement of*  
3     *California's students. These reforms will ensure that California*  
4     *is positioned to be successful in the federal Race to the Top*  
5     *competition through the following reforms:*

6     (a) *Authorize the Governor, Superintendent of Public*  
7     *Instruction, and the State Board of Education to jointly develop a*  
8     *plan with local educational agencies for submission in the Race*  
9     *to the Top grant competition and provide participating local*  
10    *education agencies with the flexibility they need to implement*  
11    *activities in the state plan.*

12    (b) *Recruit, prepare, develop, retain, train for continual*  
13    *improvement, and reward effective teachers and principals,*  
14    *especially in the state's lowest performing schools, and provide*  
15    *alternative routes to certification for those who want to teach*  
16    *science, technology, engineering, and math subjects in order to*  
17    *attract professionals with hands-on experience in the classroom.*

18    (c) *Ensure that the rigor of the state's reading, writing, and*  
19    *mathematics academic content standards, curricula, and*  
20    *assessments is maintained so that all high school graduates are*  
21    *prepared for college and careers by establishing a process to adopt*  
22    *new standards based on the Common Core State Standards*  
23    *Initiative.*

24    (d) *Create robust data systems linking prekindergarten, K-12,*  
25    *higher education and workforce data to measure student success,*  
26    *improve instruction and student learning, and inform teachers,*  
27    *principals, students, policymakers, and the public of school*  
28    *performance.*

1     (e) *Turn around the state's persistently lowest-achieving schools*  
2 *by identifying them, presenting them with rigorous and*  
3 *comprehensive alternative models for reform, support the*  
4 *school-level cultural change that is necessary for successful school*  
5 *reform, and eliminate barriers to school turnarounds.*

6     SEC. 2. *Section 10601.6 is added to the Education Code, to*  
7 *read:*

8     10601.6. *Notwithstanding any other provision of law, data in*  
9 *the California Education Information System, solely or in*  
10 *conjunction with data from any other data system, may be used*  
11 *by local educational agencies for purposes of evaluating teachers*  
12 *and administrators and making employment decisions, only if these*  
13 *decisions comply with Chapter 10.7 (commencing with Section*  
14 *3540) of Division 4 of Title 1 of the Government Code.*

15     SEC. 3. *Section 10802.5 is added to the Education Code, to*  
16 *read:*

17     10802.5. *It is the intent of the Legislature that, on or before*  
18 *January 1, 2011, and to the extent an appropriation is provided*  
19 *for this purpose, the department, at a minimum, ensures that the*  
20 *data elements pertaining to success in the 21st Century workforce*  
21 *described in Section 6401(a)(2)(B)(ii) and (e)(1)(A)(ii) of the*  
22 *federal America COMPETES Act (20 U.S.C. Sec. 9871) be*  
23 *collected for career technical education programs operated by a*  
24 *local educational agency.*

25     SEC. 4. *Section 10807 is added to the Education Code, to read:*

26     10807. *The department, the University of California, the*  
27 *California State University, the Chancellor of the California*  
28 *Community Colleges, the Commission on Teacher Credentialing,*  
29 *the Employment Development Department, and the California*  
30 *School Information Services established in Section 49081 may*  
31 *enter into interagency agreements in order to facilitate all of the*  
32 *following:*

33     (a) *The implementation of a comprehensive longitudinal*  
34 *education data system for California.*

35     (b) *The transfer of data from one educational segment to*  
36 *another.*

37     (c) *The transfer of workforce data to the educational segments.*

38     SEC. 5. *Section 44227.2 is added to the Education Code, to*  
39 *read:*

1 44227.2. (a) *The Legislature hereby establishes the Science,*  
2 *Technology, Engineering, Math, and Career Technical Education*  
3 *Educator Credentialing Program for purposes of providing*  
4 *alternative routes to credentialing, in accordance with the*  
5 *guidelines for the federal Race to the Top Fund, authorized under*  
6 *the federal American Recovery and Reinvestment Act of 2009*  
7 *(Public Law 111-5), that do not compromise state standards.*

8 (b) *No later than June 1, 2010, the commission, in consultation*  
9 *with the Committee on Accreditation established pursuant to*  
10 *Section 44373, shall develop a process to authorize additional*  
11 *high-quality alternative route educator preparation programs*  
12 *provided by school districts, county offices of education,*  
13 *community-based organizations, and nongovernmental*  
14 *organizations. Organizations participating in this project may*  
15 *offer educator preparation programs for any science, mathematics,*  
16 *and career technical education credential type issued by the*  
17 *commission if the organization meets the requirements for being*  
18 *authorized pursuant to criteria established by the commission.*

19 (c) *The commission shall authorize community-based or*  
20 *nongovernmental organizations accredited by an accrediting*  
21 *organization that is recognized by the Council for Higher*  
22 *Education Accreditation and the United States Department of*  
23 *Education. The commission may also establish alternative criteria,*  
24 *if necessary, for project participants that are not eligible for*  
25 *accreditation by one of the accredited organizations.*

26 (d) *Participating organizations shall electronically submit*  
27 *credential applications to the commission.*

28 (e) *The commission may assess a fee on a community-based or*  
29 *nongovernmental organization that is seeking approval to*  
30 *participate in the program. For purposes of this section, an*  
31 *independent college or university in California is not a*  
32 *community-based or nongovernmental organization.*

33 SEC. 6. *Section 49079.7 is added to the Education Code, to*  
34 *read:*

35 49079.7. (a) *Notwithstanding paragraph (3) of subdivision*  
36 *(c) of Section 49079.6, the department shall impose reasonable*  
37 *fees or charges upon researchers applying for access to*  
38 *individually identifiable data, in order to cover costs of responding*  
39 *to time-intensive request.*

1     **(b) Fees or charges imposed upon an applicant pursuant to this**  
2     **section shall equal the actual costs incurred by the department in**  
3     **responding to the applicant's request.**

4     **(c) Fees or charges shall not be imposed pursuant to this section**  
5     **upon any state agency, except for fees or charges related to the**  
6     **release of data for research purposes to the University of**  
7     **California, the California State University, or the Chancellor of**  
8     **the California Community Colleges.**

9     **SEC. 7. Section 52052.5 of the Education Code is amended to**  
10    **read:**

11    52052.5. **(a) The Superintendent of Public Instruction shall**  
12    **establish a broadly representative and diverse advisory committee**  
13    **to advise the Superintendent of Public Instruction and the State**  
14    **Board of Education state board on all appropriate matters relative**  
15    **to the creation of the Academic Performance Index and the**  
16    **implementation of the Immediate Intervention/Underperforming**  
17    **Schools Program and the High Achieving/Improving Schools**  
18    **Program. Members of the advisory committee shall serve without**  
19    **compensation for terms not to exceed two years. The State**  
20    **Department of Education department shall provide staff to the**  
21    **advisory panel.**

22    **(b) By July 1, 2005, the advisory committee established pursuant**  
23    **to this section shall make recommendations to the Superintendent**  
24    **of Public Instruction on the appropriateness and feasibility of a**  
25    **methodology for generating a measurement of academic**  
26    **performance by utilizing unique pupil identifiers for pupils in**  
27    **kindergarten and any of grades 1 to 12, inclusive, and annual**  
28    **academic achievement growth to provide a more accurate measure**  
29    **of a school's growth over time. If appropriate and feasible, the**  
30    **Superintendent of Public Instruction, with the approval of the State**  
31    **Board of Education, state board, shall thereafter implement this**  
32    **measurement of academic performance.**

33    **(c) By January 1, 2011, the Superintendent and the state board,**  
34    **in consultation with the advisory committee established pursuant**  
35    **to subdivision (a), shall make recommendations to the Legislature**  
36    **and the Governor on each of the following:**

37    **(1) Approaches to increasing the emphasis of science and**  
38    **mathematics in the calculation of the Academic Performance Index**  
39    **or any successor measure.**

1 (2) *Methods to incorporate into the Academic Performance*  
2 *Index, or into other aspects of the state's accountability system, a*  
3 *measure of the degree to which pupils graduate from high school*  
4 *with the skills and knowledge necessary to attain entry-level*  
5 *employment in business or industry, as set forth in subdivision (b)*  
6 *of Section 51228.*

7 (3) *Methods to incorporate into the Academic Performance*  
8 *Index, or into other aspects of the state's accountability system, a*  
9 *measure of the degree to which pupils graduate from high school*  
10 *with the skills and knowledge necessary to succeed in*  
11 *postsecondary education.*

12 (d) *By July 1, 2013, the Superintendent and the state board, in*  
13 *consultation with the advisory committee established pursuant to*  
14 *subdivision (a), shall make recommendations to the Legislature*  
15 *and the Governor on the establishment of a methodology for*  
16 *generating a measurement of group and individual academic*  
17 *performance growth by utilizing individual pupil results from a*  
18 *longitudinally valid achievement assessment system. These*  
19 *recommendations should also address any interactions between*  
20 *the Academic Performance Index, or any successor measure, and*  
21 *individual test scores from the state's tests, as well as implications*  
22 *for the reauthorization of the state's assessment system. This*  
23 *paragraph shall not be construed to supersede the provisions of*  
24 *Chapter 273 of the Statutes of 2009.*

25 SEC. 8. *Chapter 18 (commencing with Section 53100) is added*  
26 *to Part 28 of Division 4 of Title 2 of the Education Code, to read:*

27  
28 CHAPTER 18. *RACE TO THE TOP*

29  
30 Article 1. *General Provisions*

31  
32 53100. *For the purposes of implementing the federal Race to*  
33 *the Top program established by the federal American Recovery*  
34 *and Reinvestment Act of 2009 (Public Law 111-5):*

35 (a) *The Superintendent and the President of the state board may*  
36 *enter into a memorandum of understanding with a local*  
37 *educational agency.*

38 (b) *Participating local educational agencies shall enter into a*  
39 *memorandum of understanding, with the Superintendent and the*  
40 *President of the state board, that meets the requirements expressed*



1 *in the Race to the Top guidelines and that is signed by as many as*  
2 *possible of each participating local educational agency's:*

- 3 *(1) Superintendent of schools, or their equivalents.*  
4 *(2) President of the local governing boards, or their equivalents.*  
5 *(3) Leader of any local collective bargaining unit for teachers,*  
6 *if applicable.*

7 *53101. (a) The Governor, the Superintendent, and the state*  
8 *board shall jointly develop a single high-quality plan or multiple*  
9 *plans, in collaboration with participating local educational*  
10 *agencies, as necessary, to submit as part of an application for*  
11 *federal Race to the Top funds, authorized under the federal*  
12 *American Recovery and Reinvestment Act of 2009 (Public Law*  
13 *111-5).*

14 *(b) The Department of Finance, concurrent with the submission*  
15 *of the plan to the Attorney General, shall provide the appropriate*  
16 *policy and fiscal committees of both houses of the Legislature with*  
17 *a copy of the state plan or plans, including any amendments.*

18 *(c) The plan submitted pursuant to subdivision (b) shall include*  
19 *a budget or expenditure plan consistent with the requirements of*  
20 *the Race to the Top program and application. At a minimum, the*  
21 *plan shall address how the Race to the Top program funds and*  
22 *any other applicable federal funds shall be used to provide*  
23 *resources to the low-achieving and persistently lowest-achieving*  
24 *schools as defined in this chapter. These resources may include,*  
25 *but are not necessarily limited to, professional development,*  
26 *technical assistance, and partnering with schools that have*  
27 *successfully transitioned from low- to higher-performing status.*

28 *(d) It is the intent of the Legislature that funding for local*  
29 *educational agencies be the highest priority in the allocation of*  
30 *Race to the Top program funds.*

31 *53102. (a) On or before January 1, 2011, the Superintendent*  
32 *shall contract for an independent evaluation of the implementation*  
33 *and impact of the state plan submitted in application for a federal*  
34 *Race to the Top Fund competitive grant award.*

35 *(b) On or before September 1, 2010, the Superintendent shall*  
36 *convene a working group consisting of staff representing the policy*  
37 *and fiscal committees of both houses of the Legislature, the*  
38 *Legislative Analyst's Office, the Department of Finance, the*  
39 *Governor, the state board, and the department to do all of the*  
40 *following:*

1     (1) *Jointly develop the parameters of the evaluation.*

2     (2) *Make recommendations regarding development of any*  
3 *request for proposals or request for applications used to solicit*  
4 *contract proposals, and regarding the selection of the independent*  
5 *evaluator.*

6     (c) *The Superintendent shall provide to the Legislature, the*  
7 *Governor, and the state board:*

8         (1) *An interim evaluation report on or before June 1, 2012.*

9         (2) *The final evaluation report on or before June 1, 2014.*

10     (d) *The department shall use federal funds made available from*  
11 *the Race to the Top Fund and detailed in the expenditure plan*  
12 *required pursuant to subdivision (c) of Section 53101 for the*  
13 *purpose of contracting for this evaluation.*

14     53103. *The Legislature finds and declares that this act is*  
15 *declaratory of the requirements and definitions specified in the*  
16 *federal guidelines for the federal Race to the Top Fund. It is the*  
17 *intent of the Legislature that, to the extent that the federal*  
18 *guidelines are revised, the state plan or plans also be revised*  
19 *accordingly.*

20  
21         Article 2. *Intervening in the Persistently Lowest-Achieving*  
22                     *Schools*  
23

24     53200. *For purposes of this article, the following definitions*  
25 *apply:*

26         (a) *“Low-achieving school” means a school described in*  
27 *subdivision (a) of Section 53201.*

28         (b) *“Persistently lowest-achieving school” means a school*  
29 *identified pursuant to subdivisions (a) to (f), inclusive, of Section*  
30 *53201.*

31     53201. *The Superintendent shall establish a list of schools*  
32 *according to the following:*

33         (a) *Identify any Title I school in improvement, corrective action,*  
34 *or restructuring.*

35         (b) *Identify the lowest 5 percent of the schools in subdivision*  
36 *(a) as measured by the Academic Performance Index which is*  
37 *based on state assessment results in reading/language arts and*  
38 *mathematics for all pupils and which measures the academic*  
39 *growth of all pupils, using the most recent data available.*

1 (c) Identify any secondary school that is eligible for, but that  
2 does not receive, Title I funds and is in the lowest 5 percent of  
3 secondary schools as measured by the Academic Performance  
4 Index, which is based on state assessment results in  
5 reading/language arts and mathematics for all pupils and which  
6 measures the academic growth of all pupils, using the most recent  
7 data available.

8 (d) Add to the schools identified pursuant to subdivisions (a) to  
9 (c), inclusive, any high school that has had a graduation rate, as  
10 defined in Section 200.19(b) of Title 34 of the Code of Federal  
11 regulations, that is less than 60 percent in each of the previous  
12 three years.

13 (e) To the extent allowable under federal law, exclude from the  
14 schools identified pursuant to subdivisions (a) to (d), inclusive, a  
15 school that meets any of the following, except as provided in  
16 subdivision (f):

17 (1) The school is a county community school operated pursuant  
18 to Chapter 6.5 (commencing with Section 1980) of Part 2 of  
19 Division 1 of Title 1.

20 (2) The school is a juvenile court school operated pursuant to  
21 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part  
22 27.

23 (3) The school provides educational services exclusively to  
24 individuals with exceptional needs as defined in Section 56026.

25 (4) The school has experienced academic growth of at least 50  
26 points over the previous five years as measured by the Academic  
27 Performance Index, using the most recent data available.

28 (f) Notwithstanding subdivision (e), a school that meets any of  
29 the criteria in subdivision (e) shall not be excluded from the schools  
30 identified pursuant to subdivisions (a) to (d), inclusive, if both the  
31 Superintendent and the state board find cause not to exclude the  
32 school.

33 (g) To the extent allowable under federal law, a community day  
34 school, operated pursuant to Article 3 (commencing with Section  
35 48660) of Chapter 4 of Part 27, may be excluded from the schools  
36 identified pursuant to subdivisions (a) to (d), inclusive, if both the  
37 Superintendent and the state board find cause to exclude the  
38 school.

39 53201.5. The Superintendent shall notify the governing board  
40 of a school district, county superintendent of schools, or the

1 governing body of a charter school or its equivalent, that one or  
2 more of the schools in its jurisdiction have been identified as a  
3 persistently lowest-achieving school.

4 53202. (a) For purposes of implementing the federal Race to  
5 the Top program established by Sections 14005 and 14006 of Title  
6 XIV of the federal American Recovery and Reinvestment Act of  
7 2009 (Public Law 111-5), the governing board of a school district,  
8 county superintendent of schools, or the governing body of a  
9 charter school or its equivalent, shall implement, for any school  
10 identified by the Superintendent as persistently lowest-achieving  
11 pursuant to subdivision (b) of Section 53200, unless the  
12 Superintendent and the state board determines, to the extent  
13 allowable under federal law, that the school has implemented a  
14 reform within the last two years that conforms to the requirements  
15 of the interventions required by the Race to the Top program and  
16 is showing significant progress, one of the following four  
17 interventions for turning around persistently lowest-achieving  
18 schools described in Appendix C of the Notice of Final Priorities,  
19 Requirements, Definitions, Selection Criteria for the Race to the  
20 Top program published in Volume 74 of Number 221 of the Federal  
21 Register on November 18, 2009:

22 (1) The turnaround model.

23 (2) The restart model.

24 (3) School closure.

25 (4) The transformation model.

26 (b) Prior to the governing board meeting to select one of the  
27 four interventions described in subdivision (a), the governing board  
28 of a school district, county superintendent of schools, or the  
29 governing body of a charter school or its equivalent, with one or  
30 more persistently lowest-achieving schools shall hold at least two  
31 public hearings to notify staff, parents, and the community of the  
32 designation and to seek input from staff, parents, and the  
33 community regarding the option or options most suitable for the  
34 applicable school or schools in its jurisdiction. At least one of  
35 those public hearings shall be held at a regularly scheduled  
36 meeting, if applicable, and at least one of the public hearings shall  
37 be held on the site of a school deemed persistently  
38 lowest-achieving.

39 (c) In addition to meeting the requirements specified in Appendix  
40 C of the Notice of Final Priorities, Requirements, Definitions,

1 *Selection Criteria for the Race to the Top program published in*  
2 *Volume 74 of Number 221 of the Federal Register on November*  
3 *18, 2009, a persistently lowest-achieving school implementing the*  
4 *turnaround or transformation model may participate in a*  
5 *school-to-school partnership program by working with a mentor*  
6 *school that has successfully transitioned from a low-achieving*  
7 *school to a higher-achieving school.*

8 *(1) For purposes of this article, a mentor school is a school that*  
9 *meets either of the following:*

10 *(A) The school has exited Program Improvement pursuant to*  
11 *the No Child Left Behind Act.*

12 *(B) The school has increased, in the statewide rankings based*  
13 *on the Academic Performance Index, by two or more deciles over*  
14 *the last five years, using the most recent data available.*

15 *(2) The principal and, at the discretion of the principal, the staff*  
16 *of a mentor school shall provide guidance to a persistently*  
17 *lowest-achieving school to develop a reform plan for the school*  
18 *using the required elements of the turnaround or transformation*  
19 *model, and provide guidance and advice on how the mentor school*  
20 *was able to transform the culture of the school from low-achieving*  
21 *to higher-achieving and how that transformation could be*  
22 *replicated at the school implementing a turnaround or*  
23 *transformation model.*

24 *(3) To the extent that federal funds are made available for this*  
25 *purpose pursuant to subdivision (c) of Section 53101, the mentor*  
26 *school shall receive funds for serving as a mentor school. As a*  
27 *condition for receipt of funds, the principal, and at the principal's*  
28 *discretion, the staff, of a mentor school shall meet regularly with*  
29 *the assigned persistently lowest-achieving school for a period of*  
30 *at least three years.*

31 *53203. (a) The regional consortia authorized under Section*  
32 *52059, in collaboration with the department, from funds provided*  
33 *for this purpose pursuant to subdivision (c) of Section 53101, shall*  
34 *provide, at a minimum, technical assistance and support to local*  
35 *educational agencies with one or more persistently*  
36 *lowest-achieving schools to assist with the implementation of the*  
37 *duties specified for any of the four interventions for persistently*  
38 *lowest-achieving schools pursuant to Section 53202.*

1     (b) Funds for the regional consortia shall be distributed based  
2     on the number of persistently lowest-achieving schools identified  
3     pursuant to this section and the pupil enrollment of these schools.

4     (c) It is the intent of the Legislature that the regional consortia  
5     coordinate the duties described in subdivision (a) with the duties  
6     performed pursuant to Section 52059 as it relates to schools and  
7     districts identified in program improvement pursuant to the federal  
8     No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

9     (d) The areas of technical assistance and support pursuant to  
10    this section may include, but are not limited to, any of the  
11    following:

12    (1) Identifying strategies that are designed to recruit, place,  
13    and retain staff with the skills necessary to meet the needs of the  
14    pupils at the school, including financial incentives, increased  
15    opportunities for promotion and career growth, and more flexible  
16    work conditions.

17    (2) Identifying strategies that provide increased instructional  
18    time.

19    (3) Implementing any of the professional development activities  
20    authorized in the state's plan or application submitted for the  
21    federal Race to the Top program.

22    (4) Developing a new governance structure that may include  
23    the establishment of a new turnaround office, located within the  
24    local educational agency or the department, that a school  
25    implementing the turnaround model will report to.

26    (5) Developing social-emotional and community-oriented  
27    services, including strategies for parental involvement and services  
28    that can be located at the schoolsite.

29    (6) Identifying, reviewing, and recommending quality charter  
30    school operators, charter management organizations, or education  
31    management organizations that can operate a persistently  
32    lowest-achieving school.

33    (7) Identifying higher-achieving schools in the school district,  
34    including charter schools, to relocate pupils attending a school  
35    that is scheduled for closure.

36    (8) Developing, in consultation with teachers and principals, a  
37    rigorous, transparent, and equitable evaluation system for teachers  
38    and principals that includes the use of pupil growth data and other  
39    factors such as multiple observation-based assessments that all

1 schools implementing the turnaround or transformation model  
2 may use.

3 (9) Identifying strategies to identify and reward school leaders,  
4 teachers, and other staff who, in implementing the transformation  
5 model, have increased pupil achievement and high school  
6 graduation rates and have identified and removed those, who,  
7 after ample opportunities, have been provided for them to improve  
8 their professional practice, have not done so.

9 (10) Identifying and approving mentor schools pursuant to  
10 subdivision (c) of Section 53202. The regional consortia shall first  
11 seek eligible mentor schools located within the district of each of  
12 the schools implementing the turnaround or transformation model.

13 (11) Consistent with the collective bargaining agreement,  
14 assisting a local educational agency in doing any of the following:

15 (A) Meeting federal guidelines under Appendix C of the Notice  
16 of Final Priorities, Requirements, Definitions, Selection Criteria  
17 for the federal Race to the Top program published in Volume 74  
18 of Number 221 of the Federal Register on November 18, 2009,  
19 which encourages the state to ensure that persistently  
20 lowest-achieving schools are not required to accept a teacher  
21 without mutual consent of the teacher and principal, regardless  
22 of the teacher's seniority.

23 (B) Implementing schoolsite-based teacher hiring decisions.

24 (C) Giving persistently lowest-achieving schools first priority  
25 in selecting from the qualified district applicant pool, among those  
26 teachers who have specifically applied to work at the school.

27 SEC. 9. Section 60601 of the Education Code is amended to  
28 read:

29 60601. This chapter shall ~~remain in effect only until January~~  
30 ~~become inoperative on July 1, 2012, 2013, and as of that date~~  
31 ~~January 1, 2014, is repealed, unless a later enacted statute that is~~  
32 ~~enacted before January 1, 2012, 2014, deletes or extends that date.~~  
33 ~~the dates on which it becomes inoperative and is repealed.~~

34 SEC. 10. Section 60603 of the Education Code is amended to  
35 read:

36 60603. ~~(a)~~ As used in this chapter:

37 ~~(+)~~

38 (a) "Achievement test" means any standardized test that  
39 measures the level of performance that a pupil has achieved in the  
40 core curriculum areas.

1     ~~(2)~~

2     ~~(b)~~ “Assessment of applied academic skills” means a form of  
3 assessment that requires pupils to demonstrate their knowledge  
4 of, and ability to apply, academic knowledge and skills in order  
5 to solve problems and communicate. It may include, but is not  
6 limited to, writing an essay response to a question, conducting an  
7 experiment, or constructing a diagram or model. An assessment  
8 of applied academic skills may not include assessments of personal  
9 behavioral standards or skills, including, but not limited to, honesty,  
10 sociability, ethics, or self-esteem.

11    ~~(3)~~

12    ~~(c)~~ “Basic academic skills” means those skills in the subject  
13 areas of reading, spelling, written expression, and mathematics  
14 that provide the necessary foundation for mastery of more complex  
15 intellectual abilities, including the synthesis and application of  
16 knowledge.

17    ~~(4)~~

18    ~~(d)~~ “Content standards” means the specific academic knowledge,  
19 skills, and abilities that all public schools in this state are expected  
20 to teach and all pupils expected to learn in each of the core  
21 curriculum areas, at each grade level tested.

22    ~~(5)~~

23    ~~(e)~~ “Core curriculum areas” means the areas of reading, writing,  
24 mathematics, history-social science, and science.

25    ~~(6)~~

26    ~~(f)~~ “Diagnostic assessment” means interim assessments of the  
27 current level of achievement of a pupil that serves both of the  
28 following purposes:

29    ~~(A)~~

30    ~~(1)~~ The identification of particular academic standards or skills  
31 a pupil has or has not yet achieved.

32    ~~(B)~~

33    ~~(2)~~ The identification of possible reasons that a pupil has not  
34 yet achieved particular academic standards or skills.

35    ~~(7)~~

36    ~~(g)~~ “Direct writing assessment” means an assessment of applied  
37 academic skills that requires pupils to use written expression to  
38 demonstrate writing skills, including writing mechanics, grammar,  
39 punctuation, and spelling.

40    ~~(8)~~



1 (h) “End of course exam” means a comprehensive and  
2 challenging assessment of pupil achievement in a particular subject  
3 area or discipline.

4 ~~(9)~~

5 (i) “Performance standards” are standards that define various  
6 levels of competence at each grade level in each of the curriculum  
7 areas for which content standards are established. Performance  
8 standards gauge the degree to which a pupil has met the content  
9 standards and the degree to which a school or school district has  
10 met the content standards.

11 ~~(10)~~

12 (j) “Publisher” means a commercial publisher or any other public  
13 or private entity, other than the department, which is able to provide  
14 tests or test items that meet the requirements of this chapter.

15 ~~(11)~~

16 (k) “Statewide pupil assessment program” means the systematic  
17 achievement testing of pupils in grades 2 to 11, inclusive, pursuant  
18 to the standardized testing and reporting program under Article 4  
19 (commencing with Section 60640) and the assessment of basic  
20 academic skills and applied academic skills, administered to pupils  
21 in grade levels specified in subdivision (c) of Section 60605,  
22 required by this chapter in all schools within each school district  
23 by means of tests designated by the state board.

24 ~~(b) This section shall become inoperative on July 1, 2011.~~

25 *SEC. 11. Section 60604 of the Education Code is amended to*  
26 *read:*

27 60604. (a) The Superintendent shall design and implement,  
28 consistent with the timetable and plan required pursuant to  
29 subdivision (b), a statewide pupil assessment program consistent  
30 with the testing requirements of this article in accordance with the  
31 objectives set forth in Section 60602. That program shall include  
32 all of the following:

33 (1) A plan for producing valid, reliable, and comparable  
34 individual pupil scores in grades 2 to 11, inclusive, and a  
35 comprehensive analysis of these scores based on the results of the  
36 achievement test designated by the state board that assesses a broad  
37 range of basic academic skills pursuant to the Standardized Testing  
38 and Reporting (STAR) Program established by Article 4  
39 (commencing with Section 60640).

1 (2) A method of working with publishers to ensure valid,  
2 reliable, and comparable individual, grade-level, school-level,  
3 district-level, county-level, and statewide scores in grades 2 to 11,  
4 inclusive.

5 (3) Statewide academically rigorous content and performance  
6 standards that reflect the knowledge and skills that pupils will need  
7 in order to succeed in the information-based, global economy of  
8 the 21st century. These skills shall not include personal behavioral  
9 standards or skills, including, but not limited to, honesty,  
10 sociability, ethics, or self-esteem.

11 (4) A statewide system that provides the results of testing in a  
12 manner that reflects the degree to which pupils are achieving the  
13 academically rigorous content and performance standards adopted  
14 by the state board.

15 (5) The alignment of assessment with the statewide academically  
16 rigorous content and performance standards adopted by the state  
17 board.

18 (6) The active, ongoing involvement of parents, classroom  
19 teachers, administrators, other educators, governing board members  
20 of school districts, and the public in all phases of the design and  
21 implementation of the statewide pupil assessment program.

22 (7) The development of a contract or contracts with a publisher  
23 or publishers, after the approval of statewide academically rigorous  
24 content standards by the state board, for the development of  
25 performance standards and assessments of applied academic skills  
26 designed to test pupils' knowledge of academic skills and abilities  
27 to apply that knowledge and those skills in order to solve problems  
28 and communicate.

29 (b) The Superintendent shall develop and annually update for  
30 the Legislature a five-year cost projection, implementation plan,  
31 and timetable for implementing the program described in  
32 subdivision (a). The annual update shall be submitted on or before  
33 March 1 of each year to the chairperson of the fiscal subcommittee  
34 considering budget appropriations in each house. The update shall  
35 explain any significant variations from the five-year cost projection  
36 for the current year budget and the proposed budget.

37 (c) The Superintendent shall provide each school district with  
38 guidelines for professional development that are designed to assist  
39 classroom teachers to use the results of the assessments  
40 administered pursuant to this chapter to modify instruction for the

1 purpose of improving pupil learning. These guidelines shall be  
2 developed in consultation with classroom teachers and approved  
3 by the state board before dissemination.

4 (d) The Superintendent and the state board shall consider  
5 comments and recommendations from school districts and the  
6 public in the development, adoption, and approval of assessment  
7 instruments.

8 (e) The results of the achievement test administered pursuant  
9 to Article 4 (commencing with Section 60640) shall be returned  
10 to the school district within the period of time specified by the  
11 state board.

12 ~~(f) This section shall become inoperative on July 1, 2011.~~

13 *SEC. 12. Section 60604.5 is added to the Education Code, to*  
14 *read:*

15 *60604.5. It is the intent of the Legislature that the*  
16 *reauthorization of the statewide pupil assessment program includes*  
17 *all of the following:*

18 *(a) A plan for transitioning to a system of high-quality*  
19 *assessments, as defined in the federal Race to the Top guidance*  
20 *and regulations.*

21 *(b) Alignment with the standards developed pursuant to*  
22 *subdivision (d) of Section 60605.8.*

23 *(c) Any common assessments aligned with the standards*  
24 *developed pursuant to subdivision (d) of Section 60605.8.*

25 *(d) Conforms to the assessment requirements of any*  
26 *reauthorization of the federal Elementary and Secondary Education*  
27 *Act or any other federal law that effectively replaces that act.*

28 *SEC. 13. Section 60605.6 of the Education Code is amended*  
29 *to read:*

30 *60605.6. Subject to the availability of funds appropriated in*  
31 *the annual Budget Act for this purpose, the Superintendent, upon*  
32 *approval of the state board, shall contract for the development and*  
33 *distribution of workbooks, as follows:*

34 *(a) One workbook to be distributed to all pupils in grade 10.*  
35 *This workbook shall contain information on the proficiency levels*  
36 *that must be demonstrated by pupils on the high school exit*  
37 *examination described in Chapter 9 (commencing with Section*  
38 *60850). The workbook also shall contain sample questions, with*  
39 *explanations describing how these sample questions test pupil*

1 knowledge of the language arts and mathematics content standards  
2 adopted by the state board pursuant to Section 60605.

3 (b) Separate workbooks for each of grades 2 to 11, inclusive.  
4 Each pupil in grades 2 to 11, inclusive, who is required to take the  
5 achievement tests described in Section 60642.5 shall receive a  
6 copy of the workbook designed for the same grade level in which  
7 the pupil is enrolled. These workbooks shall contain material to  
8 assist pupils and their parents with standards-based learning,  
9 including the grade appropriate academic content standards adopted  
10 by the state board pursuant to Section 60605 and sample questions  
11 that require knowledge of these standards to answer. The  
12 workbooks also shall describe how the sample questions test  
13 knowledge of the state board adopted academic content standards.

14 ~~(c) This section shall become inoperative on July 1, 2011.~~

15 *SEC. 14. Section 60605.7 is added to the Education Code, to*  
16 *read:*

17 *60605.7. The Superintendent, the state board, and any other*  
18 *entity or individual designated by the Governor shall participate*  
19 *in the Common Core State Standards Initiative consortium*  
20 *sponsored by the National Governors Association and the Council*  
21 *of Chief State School Officers or any associated or related*  
22 *interstate collaboration to jointly develop common high-quality*  
23 *standards or assessments aligned with the common set of*  
24 *standards.*

25 *SEC. 15. Section 60605.8 is added to the Education Code, to*  
26 *read:*

27 *60605.8. (a) There is hereby established the Academic Content*  
28 *Standards Commission. The commission shall consist of 21*  
29 *members, appointed as follows:*

30 *(1) Eleven members appointed by the Governor.*

31 *(2) Five members appointed by the Senate Committee on Rules.*

32 *(3) Five members appointed by the Speaker of the Assembly.*

33 *(b) Members of the commission shall serve at the pleasure of*  
34 *the appointing authority.*

35 *(c) Not less than half of the members appointed by each of the*  
36 *appointing authorities pursuant to subdivision (a) shall be current*  
37 *elementary or secondary classroom teachers.*

38 *(d) The commission shall develop academic content standards*  
39 *in language arts and mathematics. The standards shall be*  
40 *internationally benchmarked and build toward college and career*

1 readiness by the time of high school graduation. Unless otherwise  
2 allowed by the Secretary of the United States Department of  
3 Education, at least 85 percent of these standards shall be the  
4 common core academic standards developed by the consortium  
5 or interstate collaboration set forth in Section 60605.7.

6 (e) Pursuant to the Bagley-Keene Act, Article 9 (commencing  
7 with Sec. 11120) of Division 3 of Title 2 of the Government Code,  
8 all meetings and hearings of the commission shall be open and  
9 available to the public.

10 (f) On or before July 15, 2010, the commission shall present its  
11 recommended academic content standards to the state board.

12 (g) On or before August 2, 2010, the state board shall do either  
13 of the following:

14 (1) Adopt the academic content standards as proposed by the  
15 commission.

16 (2) Reject the academic content standards as proposed by the  
17 commission. If the state board rejects the standards it shall provide  
18 a specific written explanation to the Superintendent, the Governor,  
19 and the Legislature of the reasons why the proposed standards  
20 were rejected.

21 (h) The Superintendent and state board shall present to the  
22 Governor and to the appropriate policy and fiscal committees of  
23 the Legislature a schedule and implementation plan for integrating  
24 the academic content standards adopted pursuant to this section  
25 into the state educational system.

26 SEC. 16. Section 60605.9 is added to the Education Code, to  
27 read:

28 60605.9. Notwithstanding any other provision of law, the  
29 limitation in paragraph (6) of subdivision (c) of Section 60200,  
30 which requires that other criteria be approved at least 30 months  
31 prior to the date that the materials are to be approved for adoption,  
32 shall not apply to instructional materials adopted by the state  
33 board that are aligned with the content standards adopted pursuant  
34 to Section 60605.8 in each of the content areas for which standards  
35 are revised or adopted.

36 SEC. 17. Section 60606 of the Education Code is amended to  
37 read:

38 60606. (a) After adopting an assessment of applied academic  
39 skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605,  
40 the state board shall submit the instrument, once designated or

1 adopted, for review by the Statewide Pupil Assessment Review  
2 Panel, which is hereby established.

3 (b) The panel shall consist of six members. Three members shall  
4 be appointed by the Governor, one member shall be appointed by  
5 the Senate Committee on Rules, one member shall be appointed  
6 by the Speaker of the Assembly, and one member shall be  
7 appointed by the Superintendent. A majority of the panel shall  
8 consist of parents whose children attend public schools in the state  
9 in kindergarten and grades 1 to 12, inclusive.

10 (c) Panel members shall serve two-year terms, without  
11 compensation. No panel member shall serve more than two  
12 consecutive terms.

13 (d) The panel shall review the instrument specified in  
14 subdivision (a) in order to ensure that the content of the instrument  
15 complies with the requirements of Section 60614. Notwithstanding  
16 any other provision of law, the panel may meet in closed session  
17 with a publisher for the purpose of addressing questions and  
18 clarifying issues that relate to ensuring that the content of the  
19 publisher's test or assessment, as the case may be, complies with  
20 the requirements of Section 60614.

21 (e) The panel shall report its findings and recommendations to  
22 the state board within 10 days of its receipt of the instrument. If  
23 the panel fails to report within the required 10 days, the test or  
24 assessment shall be deemed acceptable to the panel.

25 ~~(f) This section shall become inoperative on July 1, 2011.~~

26 *SEC. 18. Section 60640 of the Education Code is amended to*  
27 *read:*

28 60640. (a) There is hereby established the Standardized Testing  
29 and Reporting Program, to be known as the STAR Program.

30 (b) From the funds available for that purpose, each school  
31 district, charter school, and county office of education shall  
32 administer to each of its pupils in grades 2 to 11, inclusive, the  
33 standards-based achievement test provided for in Section 60642.5.  
34 The state board shall establish a testing period to provide that all  
35 schools administer these tests to pupils at approximately the same  
36 time during the instructional year, except as necessary to ensure  
37 test security and to meet the final filing date.

38 (c) The publisher and the school district shall provide two  
39 makeup days for the testing of previously absent pupils within the  
40 testing period established by the state board in subdivision (b).

1 (d) The governing board of the school district may administer  
2 achievement tests in grades other than those required by  
3 subdivision (b) as it deems appropriate.

4 (e) Pursuant to Section 1412(a)(17) of Title 20 of the United  
5 States Code, individuals with exceptional needs, as defined in  
6 Section 56026, shall be included in the testing requirement of  
7 subdivision (b) with appropriate accommodations in administration,  
8 where necessary, and those individuals with exceptional needs  
9 who are unable to participate in the testing, even with  
10 accommodations, shall be given an alternate assessment.

11 (f) (1) At the option of the school district, pupils with limited  
12 English proficiency who are enrolled in any of grades 2 to 11,  
13 inclusive, may take a second achievement test in their primary  
14 language. Primary language tests administered pursuant to this  
15 subdivision and subdivision (g) shall be subject to the requirements  
16 of subdivision (a) of Section 60641. These primary language tests  
17 shall produce individual pupil scores that are valid and reliable.

18 (2) Notwithstanding any other law, the state board shall  
19 designate for use, as part of this program, a single primary language  
20 test in each language for which a test is available for grades 2 to  
21 11, inclusive, pursuant to the process used for designation of the  
22 assessment chosen in the 1997–98 fiscal year, as specified in  
23 Section 60643, as applicable.

24 (3) (A) The department shall use funds made available pursuant  
25 to Title VI of the federal No Child Left Behind Act of 2001 (20  
26 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget  
27 Act for the purpose of developing and adopting primary language  
28 assessments that are aligned to the state academic content  
29 standards. Subject to the availability of funds, primary language  
30 assessments shall be developed and adopted for reading/language  
31 arts and mathematics in the dominant primary language of  
32 limited-English-proficient pupils. The dominant primary language  
33 shall be determined by the count in the annual language census of  
34 the primary language of each limited-English-proficient pupil  
35 enrolled in the California public schools.

36 (B) Once a dominant primary language assessment is available  
37 for use for a specific grade level, it shall be administered in place  
38 of the assessment designated pursuant to paragraph (1) for that  
39 grade level.

1 (C) In choosing a contractor to develop a primary language  
2 assessment the state board shall consider the criteria for choosing  
3 a contractor or test publisher as specified by Section 60643, and  
4 as specified by Section 60642.5, as applicable.

5 (D) Subject to the availability of funds, the assessments shall  
6 be developed in grade order starting with the lowest grade subject  
7 to the STAR Program.

8 (E) If the state board contracts for the development of primary  
9 language assessments or test items to augment an existing  
10 assessment, the state shall retain ownership rights to the assessment  
11 and the test items. With the approval of the state board, the  
12 department may license the test for use in other states subject to a  
13 compensation agreement approved by the Department of Finance.

14 (F) On or before January 1, 2006, the department shall submit  
15 to the Legislature a report on the development and implementation  
16 of the initial primary language assessments and recommendations  
17 on the development and implementation of future assessments and  
18 funding requirements.

19 (g) A pupil identified as limited English proficient pursuant to  
20 the administration of a test made available pursuant to Section  
21 60810 who is enrolled in any of grades 2 to 11, inclusive, and who  
22 either receives instruction in his or her primary language or has  
23 been enrolled in a school in the United States for less than 12  
24 months shall be required to take a test in his or her primary  
25 language if a test is available.

26 (h) (1) The Superintendent shall apportion funds to school  
27 districts to enable school districts to meet the requirements of  
28 subdivisions (b), (e), (f), and (g).

29 (2) The state board annually shall establish the amount of  
30 funding to be apportioned to school districts for each test  
31 administered and annually shall establish the amount that each  
32 publisher shall be paid for each test administered under the  
33 agreements required pursuant to Section 60643. The amounts to  
34 be paid to the publishers shall be determined by considering the  
35 cost estimates submitted by each publisher each September and  
36 the amount included in the annual Budget Act, and by making  
37 allowance for the estimated costs to school districts for compliance  
38 with the requirements of subdivisions (b), (e), (f), and (g).

39 (3) An adjustment to the amount of funding to be apportioned  
40 per test shall not be valid without the approval of the Director of



1 Finance. A request for approval of an adjustment to the amount  
2 of funding to be apportioned per test shall be submitted in writing  
3 to the Director of Finance and the chairpersons of the fiscal  
4 committees of both houses of the Legislature with accompanying  
5 material justifying the proposed adjustment. The Director of  
6 Finance is authorized to approve only those adjustments related  
7 to activities required by statute. The Director of Finance shall  
8 approve or disapprove the amount within 30 days of receipt of the  
9 request and shall notify the chairpersons of the fiscal committees  
10 of both houses of the Legislature of the decision.

11 (i) For purposes of making the computations required by Section  
12 8 of Article XVI of the California Constitution, the appropriation  
13 for the apportionments made pursuant to paragraph (1) of  
14 subdivision (h), and the payments made to the publishers under  
15 the contracts required pursuant to Section 60643 or subparagraph  
16 (C) of paragraph (1) of subdivision (a) of Section 60605 between  
17 the department and the contractor, are “General Fund revenues  
18 appropriated for school districts,” as defined in subdivision (c) of  
19 Section 41202, for the applicable fiscal year, and included within  
20 the “total allocations to school districts and community college  
21 districts from General Fund proceeds of taxes appropriated pursuant  
22 to Article XIII B,” as defined in subdivision (e) of Section 41202,  
23 for that fiscal year.

24 (j) As a condition to receiving an apportionment pursuant to  
25 subdivision (h), a school district shall report to the Superintendent  
26 all of the following:

27 (1) The number of pupils enrolled in the school district in grades  
28 2 to 11, inclusive.

29 (2) The number of pupils to whom an achievement test was  
30 administered in grades 2 to 11, inclusive, in the school district.

31 (3) The number of pupils in paragraph (1) who were exempted  
32 from the test at the request of their parents or guardians.

33 (k) The Superintendent and the state board are authorized and  
34 encouraged to assist postsecondary educational institutions to use  
35 the assessment results of the California Standards Tests, including,  
36 but not limited to, the augmented California Standards Tests, for  
37 academic credit, placement, or admissions processes.

38 (l) The Superintendent, with the approval of the state board,  
39 annually shall release to the public test items from the  
40 standards-based achievement tests pursuant to Section 60642.5

1 administered in previous years. The minimum number of test items  
2 released per year shall be equal to 25 percent of the total number  
3 of test items on the test administered in the previous year.

4 ~~(m) This section shall become inoperative on July 1, 2011.~~

5 *SEC. 19. Section 60643 of the Education Code is amended to*  
6 *read:*

7 60643. (a) To be eligible for consideration under Section  
8 60642.5 by the state board, test publishers shall agree in writing  
9 each year to meet the following requirements, as applicable, if  
10 selected:

11 (1) Enter into an agreement, pursuant to subdivision (e) or (f),  
12 with the department by October 15 of that year.

13 (2) Align the standards-based achievement test provided for in  
14 Section 60642.5 to the academically rigorous content and  
15 performance standards adopted by the state board.

16 (3) Comply with subdivisions (c) and (d) of Section 60645.

17 (4) Provide valid and reliable individual pupil scores to parents  
18 or guardians, teachers, and school administrators.

19 (5) Provide valid and reliable aggregate scores to school districts  
20 and county boards of education in all of the following forms and  
21 formats:

22 (A) Grade level.

23 (B) School level.

24 (C) District level.

25 (D) Countywide.

26 (E) Statewide.

27 (F) Comparison of statewide scores relative to other states.

28 (6) Provide disaggregated scores, based on  
29 limited-English-proficient status and nonlimited-English-proficient  
30 status. For purposes of this section, pupils with  
31 “nonlimited-English-proficient status” shall include the total of  
32 those pupils who are English-only pupils, fluent-English-proficient  
33 pupils, and redesignated fluent-English-proficient pupils. These  
34 scores shall be provided to school districts and county boards of  
35 education in the same forms and formats listed in paragraph (5).

36 (7) Provide disaggregated scores by pupil gender and ethnicity  
37 and provide disaggregated scores based on whether pupils are  
38 economically disadvantaged or not. These disaggregated scores  
39 shall be in the same forms and formats as listed in paragraph (5).  
40 In any one year, the disaggregation shall entail information already

1 being collected by school districts, county offices of education, or  
2 charter schools.

3 (8) Provide disaggregated scores for pupils who have  
4 individualized education programs and have enrolled in special  
5 education, to the extent required by federal law. These scores shall  
6 be provided in the same forms and formats listed in paragraph (5).

7 This section shall not be construed to exclude the scores of special  
8 education pupils from any state or federal accountability system.

9 (9) Provide information listed in paragraphs (5), (6), (7), and  
10 (8) to the department and the state board in the medium requested  
11 by each entity, respectively.

12 (b) It is the intent of the Legislature that the publisher work with  
13 the Superintendent and the state board in developing a methodology  
14 to disaggregate statewide scores as required in paragraphs (6) and  
15 (7) of subdivision (a), and in determining which variable indicated  
16 on the STAR testing document shall serve as a proxy for  
17 “economically disadvantaged” status pursuant to paragraph (7) of  
18 subdivision (a).

19 (c) Access to information about individual pupils or their  
20 families shall be granted to the publisher only for purposes of  
21 correctly associating test results with the pupils who produced  
22 those results or for reporting and disaggregating test results as  
23 required by this section. School districts are prohibited from  
24 excluding a pupil from the test if a parent or parents decline to  
25 disclose income. This chapter does not abridge or deny rights to  
26 confidentiality contained in the federal Family Educational Rights  
27 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable  
28 state and federal law that protect the confidentiality of information  
29 collected by educational institutions.

30 (d) Notwithstanding any other law, the publisher of the  
31 standards-based achievement test provided for in Section 60642.5  
32 or any contractor under subdivision (f) shall comply with all of  
33 the conditions and requirements enumerated in subdivision (a), as  
34 applicable, to the satisfaction of the state board.

35 (e) (1) A publisher shall not provide a test described in Section  
36 60642.5 or 60650 or in subdivision (f) of Section 60640 for use  
37 in California public schools, unless the publisher enters into a  
38 written contract with the department as set forth in this subdivision.

39 (2) The department shall develop, and the state board shall  
40 approve, a contract to be entered into with a publisher pursuant to

1 paragraph (1). The department may develop the contract through  
2 negotiations with the publisher.

3 (3) For purposes of the contracts authorized pursuant to this  
4 subdivision, the department is exempt from the requirements of  
5 Part 2 (commencing with Section 10100) of Division 2 of the  
6 Public Contract Code and from the requirements of Article 6  
7 (commencing with Section 999) of Chapter 6 of Division 4 of the  
8 Military and Veterans Code.

9 (4) The contracts shall include provisions for progress payments  
10 to the publisher for work performed or costs incurred in the  
11 performance of the contract. Not less than 10 percent of the amount  
12 budgeted for each separate and distinct component task provided  
13 for in each contract shall be withheld pending final completion of  
14 all component tasks by that publisher. The total amount withheld  
15 pending final completion shall not exceed 10 percent of the total  
16 contract price.

17 (5) The contracts shall require liquidated damages to be paid  
18 by the publisher in the amount of up to 10 percent of the total cost  
19 of the contract for any component task that the publisher through  
20 its own fault or that of its subcontractors fails to substantially  
21 perform by the date specified in the agreement.

22 (6) The contracts shall establish the process and criteria by  
23 which the successful completion of each component task shall be  
24 recommended by the department and approved by the state board.

25 (7) The publishers shall submit, as part of the contract  
26 negotiation process, a proposed budget and invoice schedule, that  
27 includes a detailed listing of the costs for each component task  
28 and the expected date of the invoice for each completed component  
29 task.

30 (8) The contracts shall specify the following component tasks,  
31 as applicable, that are separate and distinct:

32 (A) Development of new tests or test items as required by  
33 paragraph (2) of subdivision (a).

34 (B) Test materials production or publication.

35 (C) Delivery of test materials to school districts.

36 (D) Test processing, scoring, and analyses.

37 (E) Reporting of test results to the school districts, including,  
38 but not limited to, all reports specified in this section.

39 (F) Reporting of test results to the department, including, but  
40 not limited to, the electronic files required pursuant to this section.

1 (G) All other analyses or reports required by the Superintendent  
2 to meet the requirements of state and federal law and set forth in  
3 the agreement.

4 (9) The contracts shall specify the specific reports and data files,  
5 if any, that are to be provided to school districts by the publisher  
6 and the number of copies of each report or file to be provided.

7 (10) The contracts shall specify the means by which any delivery  
8 date for materials to each school district shall be verified by the  
9 publisher and the school district.

10 (11) School districts may negotiate a separate agreement with  
11 the publisher for any additional materials or services not within  
12 the contracts specified in this subdivision, including, but not limited  
13 to, the administration of the tests to pupils in grade levels other  
14 than grades 2 to 11, inclusive. Any separate agreement is not within  
15 the scope of the contract specified in this subdivision.

16 (f) The department, with approval of the state board, may enter  
17 into a separate contract for the development or administration of  
18 a test authorized pursuant to this part, including, but not limited  
19 to, item development, coordination of tests, assemblage of tests  
20 or test items, scoring, or reporting. The liquidated damages  
21 provision set forth in paragraph (5) of subdivision (e) shall apply  
22 to a contract entered into pursuant to this subdivision.

23 ~~(g) This section shall become inoperative on July 1, 2011.~~

24 *SEC. 20. Section 60643.1 of the Education Code is amended*  
25 *to read:*

26 60643.1. (a) (1) The test publisher designated by the state  
27 board pursuant to Section 60642 shall make available a reading  
28 list on the Internet by June 1 of the applicable school year. The  
29 reading list shall include an index that correlates ranges of pupil  
30 reading scores on the English language arts portion of the  
31 achievement test designated pursuant to Section 60642 to titles of  
32 materials that would be suitable for pupils in each of grades 2 to  
33 11, inclusive, to read in order to improve their reading skills. This  
34 reading list shall include titles of books that allow a pupil to  
35 practice reading at his or her current reading level and that will  
36 assist the pupil in achieving a higher level of proficiency. To the  
37 extent possible, the index also shall include information related to  
38 the subject matter of each title. At a minimum, the reading list also  
39 shall categorize titles by subject matter and identify age-appropriate  
40 distinctions in the list.

(2) The test publisher, in each school year, shall make available for purchase by school districts a report that provides a numerical distribution of the reading scores of all pupils in California who took the achievement test designated pursuant to Section 60642.

(3) The test publisher, in each school year, shall make available for purchase by school districts reading lists that can be distributed to pupils based on a pupil's age and the ranges of scores on the English language arts portion of the achievement test designated pursuant to Section 60642.

(4) The requirements of this subdivision shall become operative only upon a determination by the Director of Finance that funds are available to make an adjustment pursuant to subdivision (h) of Section 60640.

(b) The state board and the Superintendent jointly shall certify that the process used by the publisher to determine the reading levels of the corresponding reading list pursuant to paragraph (1) of subdivision (a) meets the following criteria:

(1) The process is educationally valid.

(2) The process results in a reading list for each reading span that provides titles at the pupil's current reading level and the next higher level for challenging practice.

(3) The process results in a selection from the universe of titles from the list developed pursuant to subdivision (d) that matches each reading level.

(4) The process is unbiased in the selection of publishers' titles from the legal compliance list.

(c) The titles listed at each reading level range posted on the Internet and the reading lists made available to school districts pursuant to subdivision (a), at a minimum, shall include all relevant literature materials approved as of September 1, 1999, as being legally compliant pursuant to Article 3 (commencing with Section 60040) of Chapter 1 of Part 33, and the titles listed in all of the content area reading and literature lists that are developed and published by the department and that have been determined by the department to meet the relevant reading level as certified pursuant to subdivision (b).

(d) By imposing the requirements of this section on publishers, it is not the intent of the Legislature to unfairly disadvantage any publisher who has otherwise met the requirements of this section

1 or of Article 3 (commencing with Section 60040) of Chapter 1 of  
2 Part 33.

3 ~~(e) This section shall become inoperative on July 1, 2011.~~

4 SEC. 21. *Section 60900 of the Education Code is amended to*  
5 *read:*

6 60900. (a) The department shall contract for the development  
7 of proposals which will provide for the retention and analysis of  
8 longitudinal pupil achievement data on the tests administered  
9 pursuant to Chapter 5 (commencing with Section 60600), Chapter  
10 7 (commencing with Section 60810), and Chapter 9 (commencing  
11 with Section 60850). The longitudinal data shall be known as the  
12 California Longitudinal Pupil Achievement Data System.

13 (b) The proposals developed pursuant to subdivision (a) shall  
14 evaluate and determine whether it would be most effective, from  
15 both a fiscal and a technological perspective, for the state to own  
16 the system. The proposals shall additionally evaluate and determine  
17 the most effective means of housing the system.

18 (c) The California Longitudinal Pupil Achievement Data System  
19 shall be developed and implemented in accordance with all state  
20 rules and regulations governing information technology projects.

21 (d) The system or systems developed pursuant to this section  
22 shall be used to accomplish all of the following goals:

23 (1) To provide school districts and the department access to  
24 data necessary to comply with federal reporting requirements  
25 delineated in the federal No Child Left Behind Act of 2001 (20  
26 U.S.C. Sec. 6301 et seq.).

27 (2) To provide a better means of evaluating educational progress  
28 and investments over time.

29 (3) To provide local educational agencies information that can  
30 be used to improve pupil achievement.

31 (4) To provide an efficient, flexible, and secure means of  
32 maintaining longitudinal statewide pupil level data.

33 (5) *To facilitate the ability of the state to publicly report data,*  
34 *as specified in Section 6401(e)(2)(D) of the federal America*  
35 *COMPETES Act (20 U.S.C. Sec. 9871) and as required by the*  
36 *federal American Recovery and Reinvestment Act of 2009 (Public*  
37 *Law 111-5).*

38 (6) *To ensure that any data access provided to researchers, as*  
39 *required pursuant to the federal Race to the Top regulations and*  
40 *guidelines is provided, only to the extent that the data access is in*

1 *compliance with the federal Family Educational Rights and Privacy*  
2 *Act of 1974 (20 U.S.C. Sec. 1232g).*

3 (e) In order to comply with federal law as delineated in the No  
4 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the  
5 local educational agency shall retain individual pupil records for  
6 each test taker, including all of the following:

7 (1) All demographic data collected from the STAR Program  
8 test, high school exit examination, and English language  
9 development tests.

10 (2) Pupil achievement data from assessments administered  
11 pursuant to the STAR Program, high school exit examination, and  
12 English language development testing programs. To the extent  
13 feasible, data should include subscore data within each content  
14 area.

15 (3) A unique pupil identification number to be identical to the  
16 pupil identifier developed pursuant to the California School  
17 Information Services, which shall be retained by each local  
18 educational agency and used to ensure the accuracy of information  
19 on the header sheets of the STAR Program tests, high school exit  
20 examination, and the English language development test.

21 (4) All data necessary to compile reports required by the federal  
22 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),  
23 including, but not limited to, dropout and graduation rates.

24 (5) Other data elements deemed necessary by the  
25 Superintendent, with approval of the state board, to comply with  
26 the federal reporting requirements delineated in the No Child Left  
27 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the  
28 American Recovery and Reinvestment Act of 2009 (Public Law  
29 111-5), after review and comment by the advisory board convened  
30 pursuant to subdivision (h). Prior to the implementation of this  
31 paragraph with respect to adding data elements to the California  
32 Longitudinal Pupil Achievement Data System for the purpose of  
33 complying with the American Recovery and Reinvestment Act of  
34 2009 (Public Law 111-5), the department *and the appropriate*  
35 *postsecondary education agencies* shall submit an expenditure  
36 plan to the Department of Finance detailing any administrative  
37 costs to the department and costs to any local educational agency,  
38 if applicable. The Department of Finance shall provide to the Joint  
39 Legislative Budget Committee a copy of the expenditure plan



1 within 10 days of receipt of the expenditure plan from the  
2 department.

3 (6) *To enable the department, the University of California, the*  
4 *California State University, and the Chancellor of the California*  
5 *Community Colleges, to meet the requirements prescribed by the*  
6 *federal American Recovery and Reinvestment Act of 2009 (Public*  
7 *Law 111-5), these entities shall be authorized to obtain quarterly*  
8 *wage data, commencing July 1, 2010, on students who have*  
9 *attended their respective systems, to assess the impact of education*  
10 *on the employment and earnings of those students, to conduct the*  
11 *annual analysis of district-level and individual district or*  
12 *postsecondary education system performance in achieving priority*  
13 *educational outcomes, and to submit the required reports to the*  
14 *Legislature and the Governor. The information shall be provided*  
15 *to the extent permitted by federal statutes and regulations.*

16 (f) The California Longitudinal Pupil Achievement Data System  
17 shall have all of the following characteristics:

18 (1) The ability to sort by demographic element collected from  
19 the STAR Program tests, high school exit examination, and English  
20 language development test.

21 (2) The capability to be expanded to include pupil achievement  
22 data from multiple years.

23 (3) The capability to monitor pupil achievement on the STAR  
24 Program tests, high school exit examination, and English language  
25 development test from year to year and school to school.

26 (4) The capacity to provide data to the state and local educational  
27 agencies upon their request.

28 (g) Data elements and codes included in the system shall comply  
29 with Sections 49061 to 49079, inclusive, and Sections 49602 and  
30 56347, with Sections 430 to 438, inclusive, of Title 5 of the  
31 California Code of Regulations, with the Information Practices  
32 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title  
33 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal  
34 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),  
35 Section 1242h of Title 20 of the United States Code, and related  
36 federal regulations.

37 (h) The department shall convene an advisory board consisting  
38 of representatives from the state board, the Secretary for Education,  
39 the Department of Finance, the State Privacy Ombudsman, the  
40 Legislative Analyst's Office, representatives of parent groups,

1 school districts, and local educational agencies, and education  
2 researchers to establish privacy and access protocols, provide  
3 general guidance, and make recommendations relative to data  
4 elements. The department is encouraged to seek representation  
5 broadly reflective of the general public of California.

6 (i) Subject to funding being provided in the annual Budget Act,  
7 the department shall contract with a consultant for independent  
8 project oversight. The Director of Finance shall review the request  
9 for proposals for the contract. The consultant hired to conduct the  
10 independent project oversight shall twice annually submit a written  
11 report to the Superintendent, the state board, the advisory board,  
12 the Director of Finance, the Legislative Analyst, and the  
13 appropriate policy and fiscal committees of the Legislature. The  
14 report shall include an evaluation of the extent to which the  
15 California Longitudinal Pupil Achievement Data System is meeting  
16 the goals described in subdivision (d) and recommendations to  
17 improve the data system in ensuring the privacy of individual pupil  
18 information and providing the data needed by the state and school  
19 districts.

20 (j) This section shall be implemented using federal funds  
21 received pursuant to the No Child Left Behind Act of 2001 (20  
22 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of  
23 this section in Item 6110-113-0890 of Section 2.00 of the Budget  
24 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of  
25 these funds is contingent on approval of an expenditure plan by  
26 the Department of Finance.

27 (k) For purposes of this chapter, a local educational agency shall  
28 include a county office of education, a school district, or charter  
29 school.

30 *SEC. 22. Section 1095 of the Unemployment Insurance Code*  
31 *is amended to read:*

32 1095. The director shall permit the use of any information in  
33 his or her possession to the extent necessary for any of the  
34 following purposes and may require reimbursement for all direct  
35 costs incurred in providing any and all information specified in  
36 this section, except information specified in subdivisions (a) to  
37 (e), inclusive:

38 (a) To enable the director or his or her representative to carry  
39 out his or her responsibilities under this code.

40 (b) To properly present a claim for benefits.

1 (c) To acquaint a worker or his or her authorized agent with his  
2 or her existing or prospective right to benefits.

3 (d) To furnish an employer or his or her authorized agent with  
4 information to enable him or her to fully discharge his or her  
5 obligations or safeguard his or her rights under this division or  
6 Division 3 (commencing with Section 9000).

7 (e) To enable an employer to receive a reduction in contribution  
8 rate.

9 (f) To enable federal, state, or local government departments  
10 or agencies, subject to federal law, to verify or determine the  
11 eligibility or entitlement of an applicant for, or a recipient of, public  
12 social services provided pursuant to Division 9 (commencing with  
13 Section 10000) of the Welfare and Institutions Code, or Part A of  
14 Title IV of the Social Security Act, where the verification or  
15 determination is directly connected with, and limited to, the  
16 administration of public social services.

17 (g) To enable county administrators of general relief or  
18 assistance, or their representatives, to determine entitlement to  
19 locally provided general relief or assistance, where the  
20 determination is directly connected with, and limited to, the  
21 administration of general relief or assistance.

22 (h) To enable state or local governmental departments or  
23 agencies to seek criminal, civil, or administrative remedies in  
24 connection with the unlawful application for, or receipt of, relief  
25 provided under Division 9 (commencing with Section 10000) of  
26 the Welfare and Institutions Code or to enable the collection of  
27 expenditures for medical assistance services pursuant to Part 5  
28 (commencing with Section 17000) of Division 9 of the Welfare  
29 and Institutions Code.

30 (i) To provide any law enforcement agency with the name,  
31 address, telephone number, birth date, social security number,  
32 physical description, and names and addresses of present and past  
33 employers, of any victim, suspect, missing person, potential  
34 witness, or person for whom a felony arrest warrant has been  
35 issued, when a request for this information is made by any  
36 investigator or peace officer as defined by Sections 830.1 and  
37 830.2 of the Penal Code, or by any federal law enforcement officer  
38 to whom the Attorney General has delegated authority to enforce  
39 federal search warrants, as defined under Sections 60.2 and 60.3  
40 of Title 28 of the Code of Federal Regulations, as amended, and

1 when the requesting officer has been designated by the head of  
2 the law enforcement agency and requests this information in the  
3 course of and as a part of an investigation into the commission of  
4 a crime when there is a reasonable suspicion that the crime is a  
5 felony and that the information would lead to relevant evidence.  
6 The information provided pursuant to this subdivision shall be  
7 provided to the extent permitted by federal law and regulations,  
8 and to the extent the information is available and accessible within  
9 the constraints and configurations of existing department records.  
10 Any person who receives any information under this subdivision  
11 shall make a written report of the information to the law  
12 enforcement agency that employs him or her, for filing under the  
13 normal procedures of that agency.

14 (1) This subdivision shall not be construed to authorize the  
15 release to any law enforcement agency of a general list identifying  
16 individuals applying for or receiving benefits.

17 (2) The department shall maintain records pursuant to this  
18 subdivision only for periods required under regulations or statutes  
19 enacted for the administration of its programs.

20 (3) This subdivision shall not be construed as limiting the  
21 information provided to law enforcement agencies to that pertaining  
22 only to applicants for, or recipients of, benefits.

23 (4) The department shall notify all applicants for benefits that  
24 release of confidential information from their records will not be  
25 protected should there be a felony arrest warrant issued against  
26 the applicant or in the event of an investigation by a law  
27 enforcement agency into the commission of a felony.

28 (j) To provide public employee retirement systems in California  
29 with information relating to the earnings of any person who has  
30 applied for or is receiving a disability income, disability allowance,  
31 or disability retirement allowance, from a public employee  
32 retirement system. The earnings information shall be released only  
33 upon written request from the governing board specifying that the  
34 person has applied for or is receiving a disability allowance or  
35 disability retirement allowance from its retirement system. The  
36 request may be made by the chief executive officer of the system  
37 or by an employee of the system so authorized and identified by  
38 name and title by the chief executive officer in writing.

39 (k) To enable the Division of Labor Standards Enforcement in  
40 the Department of Industrial Relations to seek criminal, civil, or

1 administrative remedies in connection with the failure to pay, or  
2 the unlawful payment of, wages pursuant to Chapter 1  
3 (commencing with Section 200) of Part 1 of Division 2 of, and  
4 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
5 2 of, the Labor Code.

6 (l) To enable federal, state, or local governmental departments  
7 or agencies to administer child support enforcement programs  
8 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et  
9 seq.).

10 (m) To provide federal, state, or local governmental departments  
11 or agencies with wage and claim information in its possession that  
12 will assist those departments and agencies in the administration  
13 of the Victims of Crime Program or in the location of victims of  
14 crime who, by state mandate or court order, are entitled to  
15 restitution that has been or can be recovered.

16 (n) To provide federal, state, or local governmental departments  
17 or agencies with information concerning any individuals who are  
18 or have been:

19 (1) Directed by state mandate or court order to pay restitution,  
20 fines, penalties, assessments, or fees as a result of a violation of  
21 law.

22 (2) Delinquent or in default on guaranteed student loans or who  
23 owe repayment of funds received through other financial assistance  
24 programs administered by those agencies. The information released  
25 by the director for the purposes of this paragraph shall not include  
26 unemployment insurance benefit information.

27 (o) To provide an authorized governmental agency with any or  
28 all relevant information that relates to any specific workers'  
29 compensation insurance fraud investigation. The information shall  
30 be provided to the extent permitted by federal law and regulations.  
31 For the purposes of this subdivision, "authorized governmental  
32 agency" means the district attorney of any county, the office of  
33 the Attorney General, the Department of Industrial Relations, and  
34 the Department of Insurance. An authorized governmental agency  
35 may disclose this information to the State Bar, the Medical Board  
36 of California, or any other licensing board or department whose  
37 licensee is the subject of a workers' compensation insurance fraud  
38 investigation. This subdivision shall not prevent any authorized  
39 governmental agency from reporting to any board or department  
40 the suspected misconduct of any licensee of that body.

1 (p) To enable the Director of the Bureau for Private  
2 Postsecondary and Vocational Education, or his or her  
3 representatives, to access unemployment insurance quarterly wage  
4 data on a case-by-case basis to verify information on school  
5 administrators, school staff, and students provided by those schools  
6 who are being investigated for possible violations of Chapter 7  
7 (commencing with Section 94700) of Part 59 of the Education  
8 Code.

9 (q) To provide employment tax information to the tax officials  
10 of Mexico, if a reciprocal agreement exists. For purposes of this  
11 subdivision, “reciprocal agreement” means a formal agreement to  
12 exchange information between national taxing officials of Mexico  
13 and taxing authorities of the State Board of Equalization, the  
14 Franchise Tax Board, and the Employment Development  
15 Department. Furthermore, the reciprocal agreement shall be limited  
16 to the exchange of information that is essential for tax  
17 administration purposes only. Taxing authorities of the State of  
18 California shall be granted tax information only on California  
19 residents. Taxing authorities of Mexico shall be granted tax  
20 information only on Mexican nationals.

21 (r) To enable city and county planning agencies to develop  
22 economic forecasts for planning purposes. The information shall  
23 be limited to businesses within the jurisdiction of the city or county  
24 whose planning agency is requesting the information, and shall  
25 not include information regarding individual employees.

26 (s) To provide the State Department of Developmental Services  
27 with wage and employer information that will assist in the  
28 collection of moneys owed by the recipient, parent, or any other  
29 legally liable individual for services and supports provided pursuant  
30 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
31 and Chapter 2 (commencing with Section 7200) and Chapter 3  
32 (commencing with Section 7500) of Division 7 of, the Welfare  
33 and Institutions Code.

34 (t) Nothing in this section shall be construed to authorize or  
35 permit the use of information obtained in the administration of this  
36 code by any private collection agency.

37 (u) The disclosure of the name and address of an individual or  
38 business entity that was issued an assessment that included  
39 penalties under Section 1128 or 1128.1 shall not be in violation

1 of Section 1094 if the assessment is final. The disclosure may also  
2 include any of the following:

3 (1) The total amount of the assessment.

4 (2) The amount of the penalty imposed under Section 1128 or  
5 1128.1 that is included in the assessment.

6 (3) The facts that resulted in the charging of the penalty under  
7 Section 1128 or 1128.1.

8 (v) To enable the Contractors' State License Board to verify  
9 the employment history of an individual applying for licensure  
10 pursuant to Section 7068 of the Business and Professions Code.

11 (w) To provide any peace officer with the Division of  
12 Investigation in the Department of Consumer Affairs information  
13 pursuant to subdivision (i) when the requesting peace officer has  
14 been designated by the Chief of the Division of Investigation and  
15 requests this information in the course of and as part of an  
16 investigation into the commission of a crime or other unlawful act  
17 when there is reasonable suspicion to believe that the crime or act  
18 may be connected to the information requested and would lead to  
19 relevant information regarding the crime or unlawful act.

20 (x) To enable the Labor Commissioner of the Division of Labor  
21 Standards Enforcement in the Department of Industrial Relations  
22 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
23 uninsured employers. The information shall be provided to the  
24 extent permitted by federal law and regulations.

25 (y) To enable the Chancellor of the California Community  
26 Colleges, in accordance with the requirements of Section 84754.5  
27 of the Education Code, to obtain quarterly wage data, commencing  
28 January 1, 1993, on students who have attended one or more  
29 community colleges, to assess the impact of education on the  
30 employment and earnings of students, to conduct the annual  
31 evaluation of district-level and individual college performance in  
32 achieving priority educational outcomes, and to submit the required  
33 reports to the Legislature and the Governor. The information shall  
34 be provided to the extent permitted by federal statutes and  
35 regulations.

36 (z) To enable the Public Employees' Retirement System to seek  
37 criminal, civil, or administrative remedies in connection with the  
38 unlawful application for, or receipt of, benefits provided under  
39 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
40 of the Government Code.

(aa) To enable the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges, pursuant to the requirements prescribed by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly wage data, commencing July 1, 2010, on students who have attended their respective systems to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of district-level and individual district or postsecondary education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

SEC. 23. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 24. This act shall become operative only if Senate Bill 4 of the Fifth Extraordinary Session of 2009–10 is also enacted and becomes operative.

SECTION 1. ~~Section 10601.5 of the Education Code is amended to read:~~

~~10601.5. (a) The department, in collaboration with the Commission on Teacher Credentialing, shall contract for the development of a teacher data system to be known as the California Longitudinal Teacher Integrated Data Education System that is based on the results of the teacher data system feasibility study conducted pursuant to Item 6110-001-0890 of Section 2.00 of the Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The purpose of the California Longitudinal Teacher Integrated Data Education System is to streamline processes, improve the efficiency of data collection by the department, the Commission on Teacher Credentialing, and the Employment Development Department, and improve the quality of data collected from local educational agencies and teacher preparation programs. The California Longitudinal Teacher Integrated Data Education System shall be developed and implemented in accordance with all state rules and regulations governing information technology projects.~~



~~(b) The California Longitudinal Teacher Integrated Data Education System shall serve as the central state repository of information regarding the teacher workforce in the state for purposes of developing and reviewing state policy, identifying workforce trends, and identifying future needs regarding the teaching workforce. It shall also serve to provide high-quality program evaluations, including evaluation of the effectiveness of teacher preparation and induction, and to help improve professional development programs. Additionally, it shall promote the efficient monitoring of teacher assignments as required by state and federal law.~~

~~(c) The California Education Information System shall not include the names, social security numbers, home addresses, telephone numbers, or e-mail addresses of individual teachers.~~

~~(d) Data in the California Education Information System shall not be used in violation of any state or federal law that is intended to protect an individual's right to privacy or the confidentiality of an individual's personal information.~~

~~(e) Notwithstanding any other provision of law, data in the California Education Information System, solely or in conjunction with data from any other data system, may be used for purposes of evaluating teachers and administrators and making employment decisions, only if these decisions comply with Section 3543.2 of the Government Code.~~

~~(f) The California Longitudinal Teacher Integrated Data Education System shall be used to accomplish both of the following goals:~~

~~(1) Provide a means to evaluate all of the following:~~

~~(A) The effectiveness of teacher preparation programs, including, but not limited to, traditional fifth-year programs, university internship programs, and district-sponsored internship programs.~~

~~(B) Teacher workforce issues, including mobility, retention, and attrition.~~

~~(2) Streamline and improve the effectiveness and timeliness of assignment monitoring as required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.~~

~~(3) Enable local educational agencies to monitor teacher assignments on demand.~~

~~(g) For purposes of implementing this chapter, including the legislative intent expressed in subdivision (b) of Section 10600, the system shall include all of the following information:~~

- ~~(1) Age profiles of teachers in the workforce.~~
- ~~(2) Projections of the number of retirees in the education system over the next 10 years throughout the state.~~
- ~~(3) Identification of subject matter fields that have the severest shortage of teachers.~~
- ~~(4) Geographic distribution of teachers by credential type.~~
- ~~(5) Present patterns of in-service education for teachers.~~
- ~~(6) Teacher and administrator performance and evaluation data required under federal law.~~

~~(h) The Commission on Teacher Credentialing and accredited teacher preparation programs shall participate in the system by providing available data regarding enrollment in credential programs, credentials issued in each specialization, and certificated persons in each specialty who are not employed in education, and by collaborating with the department in the design and preparation of periodic reports of teacher supply and demand in each specialty and in each geographic region of the state.~~

~~(i) The California Longitudinal Teacher Integrated Data Education System shall do all of the following:~~

- ~~(1) Utilize and maximize use of existing teacher databases.~~
- ~~(2) Maintain longitudinally linked data without including the names of teachers.~~
- ~~(3) Comply with all state and federal confidentiality and privacy laws.~~

~~(j) The Superintendent shall convene a working group to provide advice and guidance on the development and implementation of the system. The group shall include, but is not limited to, representatives from the Commission on Teacher Credentialing, the Department of Finance, the Secretary for Education, the Legislative Analyst's Office, the Employment Development Department, and representatives of local educational agencies, postsecondary educational institutions, researchers, teachers, administrators, and parents.~~

~~(k) The operation of the California Longitudinal Teacher Integrated Data Education System is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.~~

1     ~~SEC. 2. Section 10804 of the Education Code is amended to~~  
2     ~~read:~~

3     ~~10804. (a) The State Chief Information Officer appointed~~  
4     ~~pursuant to Section 11545 of the Government Code shall convene~~  
5     ~~a working group representing, at a minimum, the state board, the~~  
6     ~~Superintendent, the Chancellor of the California Community~~  
7     ~~Colleges, the University of California, the California State~~  
8     ~~University, and any other governmental entities that collect, report,~~  
9     ~~or use individual pupil education data that would become part of~~  
10    ~~the comprehensive education data system. The State Chief~~  
11    ~~Information Officer shall form an advisory committee to the~~  
12    ~~working group that includes school and district administrators,~~  
13    ~~teachers and faculty, education program providers, policymakers,~~  
14    ~~researchers, parents, and pupils.~~

15    ~~(b) The working group convened pursuant to this section shall~~  
16    ~~create a strategic plan to link education data systems from all~~  
17    ~~segments and to accomplish all of the following:~~

18    ~~(1) Provide an overall structural design for the linked education~~  
19    ~~data systems.~~

20    ~~(2) Examine current state education data systems.~~

21    ~~(3) Examine the protocols and procedures to be used by state~~  
22    ~~agencies in data processing, including, but not limited to,~~  
23    ~~collecting, storing, manipulating, sharing, retrieving, and releasing~~  
24    ~~data so as to enable each state agency to accurately and efficiently~~  
25    ~~collect and share data with the other state agencies while complying~~  
26    ~~with all applicable state and federal privacy laws.~~

27    ~~(4) Identify specific procedures and policies that would be~~  
28    ~~necessary to ensure the privacy of pupil record information so as~~  
29    ~~to meet both federal requirements and the higher expectations of~~  
30    ~~privacy held by the state.~~

31    ~~(5) Facilitate the transfer of data from one segment to another,~~  
32    ~~and ultimately linkages to workforce data, through interagency~~  
33    ~~agreements or joint powers agreements, including the California~~  
34    ~~School Information Services established under Article 6~~  
35    ~~(commencing with Section 49080) of Chapter 6.5 of Part 27 of~~  
36    ~~Division 4 of Title 2.~~

37    ~~(6) Facilitate the ability of the state to publicly report data, as~~  
38    ~~specified in Section 6401(e)(2)(D) of the federal America~~  
39    ~~COMPETES Act (Public Law 110-69), required as an indicator~~  
40    ~~or descriptor, that are made available to anyone with access to an~~

1 Internet connection without having to submit a request to the entity  
2 that maintains the data and information in order to access that data  
3 and information.

4 (e) ~~The strategic plan shall be delivered by the State Chief~~  
5 ~~Information Officer to the Legislature and the Governor on or~~  
6 ~~before January 15, 2010, or the effective date of the act amending~~  
7 ~~this section during the 2009-10 Fifth Extraordinary Session,~~  
8 ~~whichever date is later.~~

9 (d) ~~This section may be implemented using federal grant funds~~  
10 ~~received pursuant to the federal American Recovery and~~  
11 ~~Reinvestment Act of 2009 (Public Law 111-5) through that act's~~  
12 ~~provision of funds for statewide data systems under the federal~~  
13 ~~Education Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).~~

14 (e) ~~Notwithstanding any other provision of law, agencies that~~  
15 ~~are a party to any agreement pursuant to paragraph (5) or (6) of~~  
16 ~~subdivision (b) may share and disclose data to the extent reasonably~~  
17 ~~necessary to publicly report data, as specified in Section~~  
18 ~~6401(e)(2)(D) of the federal America COMPETES Act (Public~~  
19 ~~Law 110-69), to the extent that the sharing and disclosure of data~~  
20 ~~are not in violation of the federal Family Educational Rights and~~  
21 ~~Privacy Act of 1974 (20 U.S.C. Sec. 1232g).~~

22 SEC. 3. ~~Section 44227.2 is added to the Education Code, to~~  
23 ~~read:~~

24 44227.2. (a) ~~The Legislature hereby establishes the Science,~~  
25 ~~Technology, Engineering, Math, and Career Technical Education~~  
26 ~~Educator Credentialing Program for purposes of providing~~  
27 ~~alternative routes to credentialing, in accordance with the~~  
28 ~~guidelines for the federal Race to the Top Fund, authorized under~~  
29 ~~the federal American Recovery and Reinvestment Act of 2009~~  
30 ~~(Public Law 111-5), that do not compromise state standards.~~

31 (b) ~~No later than June 1, 2010, the commission, in consultation~~  
32 ~~with the Committee on Accreditation established pursuant to~~  
33 ~~Section 44373, shall begin to develop a process to authorize~~  
34 ~~additional high-quality alternative route educator preparation~~  
35 ~~programs provided by school districts, county offices of education,~~  
36 ~~community-based organizations, and nongovernmental~~  
37 ~~organizations. Organizations participating in this project may offer~~  
38 ~~educator preparation programs for any science and mathematics~~  
39 ~~credential type issued by the commission if the organization meets~~

1 the requirements for being authorized pursuant to criteria  
2 established by the commission.

3 (e) The commission shall authorize community-based or  
4 nongovernmental organizations accredited by an accrediting  
5 organization that is recognized by the Council for Higher Education  
6 Accreditation and the United States Department of Education. The  
7 commission may also establish alternative criteria, if necessary,  
8 for project participants that are not eligible for accreditation by  
9 one of the accredited organizations.

10 (d) Participating organizations shall electronically submit  
11 credential applications to the commission.

12 (e) The commission may assess a fee on a community-based or  
13 nongovernmental organization that is seeking approval to  
14 participate in the program. For purposes of this section, an  
15 independent college or university in California is not considered  
16 a community-based or nongovernmental organization.

17 SEC. 4. Section 47602 of the Education Code is amended to  
18 read:

19 47602. (a) In the 1998–99 school year, the maximum total  
20 number of charter schools authorized to operate in this state shall  
21 be 250. In the 1999–2000 school year through the 2008–09 school  
22 year, inclusive, an additional 100 charter schools are authorized  
23 to operate in this state each successive school year. Commencing  
24 with the 2009–10 school year, there shall be no limitation on the  
25 number of charter schools authorized to operate in this state. For  
26 the purposes of implementing this section, the state board shall  
27 assign a number to each charter petition that it grants pursuant to  
28 subdivision (j) of Section 47605 or Section 47605.8 and to each  
29 charter notice it receives pursuant to this part, based on the  
30 chronological order in which the notice is received. Each number  
31 assigned by the state board shall correspond to a single petition  
32 that identifies a charter school that will operate within the  
33 geographic and site limitations of this part. The state board shall  
34 develop a numbering system for charter schools that identifies  
35 each school associated with a charter. For purposes of this section,  
36 sites that share educational programs and serve similar pupil  
37 populations may not be counted as separate schools. Sites that do  
38 not share a common educational program shall be considered  
39 separate schools for purposes of this section.

~~(b) A charter petition shall not be granted under this part that authorizes the conversion of a private school to a charter school. A charter school shall not receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The state board shall adopt regulations to implement this section.~~

~~SEC. 5. Section 47604.7 is added to the Education Code, to read:~~

~~47604.7. (a) It is the intent of the Legislature to ensure that California has high-performing charter schools in accordance with the regulations and guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).~~

~~(b) The Superintendent shall convene a working group to make findings and recommendations to the Legislature and the Governor regarding all of the following:~~

~~(1) The adequacy of existing processes for authorizing, renewing, revoking, or not renewing charter schools. For this purpose, the group shall review existing statutes and regulations and the degree to which the authority granted is adequate to ensure high quality, and the degree to which that authority is exercised.~~

~~(2) The extent to which the state's charter schools receive equitable funding compared to traditional public schools, and a commensurate share of local, state, and federal program and revenue sources.~~

~~(3) The extent to which the state provides charter schools with facilities funding to lease facilities, purchase facilities, or make tenant improvements, assistance with facilities acquisition, access to public facilities, the ability to share in bonds and other supports, and the extent to which the state does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools.~~

~~(c) The working group shall include representatives of the department, state board, Department of Finance, Assembly and Senate staff, county offices of education, local charter school authorizers, representatives of traditional public schools and independent charter schools, parents, community groups, and other stakeholders as the department, in consultation with the Office of the Secretary for Education, deems appropriate.~~

1     ~~(d) The working group shall, on or before December 1, 2010,~~  
2     ~~submit recommendations to the Governor and the Chairpersons~~  
3     ~~and Vice Chairpersons of the Assembly and Senate Committees~~  
4     ~~on Education for dissemination to the members of those~~  
5     ~~committees.~~

6     ~~SEC. 6. Article 10 (commencing with Section 48350) is added~~  
7     ~~to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education~~  
8     ~~Code, to read:~~

10                     ~~Article 10. Open Enrollment Act~~

12     ~~48350. This article shall be known, and may be cited, as the~~  
13     ~~Open Enrollment Act.~~

14     ~~48351. The purpose of this article is to improve pupil~~  
15     ~~achievement, in accordance with the regulations and guidelines~~  
16     ~~for the federal Race to the Top Fund, authorized under the federal~~  
17     ~~American Recovery and Reinvestment Act of 2009 (Public Law~~  
18     ~~111-5), and to enhance parental choice in education by providing~~  
19     ~~additional options to pupils to enroll in public schools throughout~~  
20     ~~the state without regard to the residence of their parents.~~

21     ~~48352. For purposes of this article, the following definitions~~  
22     ~~apply:~~

23     ~~(a)–~~  
24     ~~(a) “Low-achieving school” means any school which is~~  
25     ~~determined to be in program improvement, corrective action, or~~  
26     ~~restructuring consistent with the regulations and guidelines for the~~  
27     ~~federal Race to the Top Fund, authorized under the federal~~  
28     ~~American Recovery and Reinvestment Act of 2009 (Public Law~~  
29     ~~111-5), and the guidelines for the federal School Improvement~~  
30     ~~Grants, authorized under the federal Elementary and Secondary~~  
31     ~~Education Act (20 U.S.C. Sec. 6301 et seq.), that is also ranked in~~  
32     ~~any of deciles 1 to 3, inclusive, of the Academic Performance~~  
33     ~~Index and identified in the 2008–09 school year by the~~  
34     ~~Superintendent pursuant to Section 52055.605. Commencing with~~  
35     ~~the 2013–14 fiscal year and every third year thereafter, the list of~~  
36     ~~schools ranked in deciles 1 to 3, inclusive, shall be updated for~~  
37     ~~this purpose based on the most current Academic Performance~~  
38     ~~Index rankings.~~

39     ~~(b) “Parent” means the natural or adoptive parent or guardian~~  
40     ~~of a dependent child.~~

1 (e) “School district of enrollment” means a school district other  
2 than the school district in which the parent of a pupil resides, but  
3 in which the parent of the pupil nevertheless intends to enroll the  
4 pupil pursuant to this article.

5 (d) “School district of residence” means a school district in  
6 which the parent of a pupil resides and in which the pupil would  
7 otherwise be required to enroll pursuant to Section 48200.

8 48353. The state board shall adopt emergency regulations to  
9 implement this article.

10 48354. (a) The parent of a pupil enrolled in a low-achieving  
11 school may submit an application for the pupil to attend a school  
12 in a school district of enrollment pursuant to this article.

13 (b) (1) Consistent with the requirements of Section  
14 1116(b)(1)(E) of the federal Elementary and Secondary Education  
15 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first  
16 day of the school year, or, if later, on the date the notice of program  
17 improvement, corrective action, or restructuring status is required  
18 to be provided under federal law the district of residence shall  
19 provide the parents and guardians of all pupils enrolled in a school  
20 determined in subdivision (a) of Section 48352 with notice of the  
21 option to transfer to another public school served by the school  
22 district of residence or another school district.

23 (2) An application requesting a transfer pursuant to this article  
24 shall be submitted by the parent of a pupil to the school district of  
25 enrollment prior to January 1 of the school year preceding the  
26 school year for which the pupil is requesting to transfer. The school  
27 district of enrollment may waive the deadline specified in this  
28 paragraph.

29 (3) The application deadline specified in paragraph (2) does not  
30 apply to an application requesting a transfer if the parent, with  
31 whom the pupil resides, is enlisted in the military and was relocated  
32 by the military within 90 days prior to submitting the application.

33 (4) The application may request enrollment of the pupil in a  
34 specific school or program within the school district of enrollment.

35 (5) A pupil may enroll in a school in the school district of  
36 enrollment in the school year immediately following the approval  
37 of his or her application.

38 (6) In order to provide priority enrollment opportunities for  
39 pupils residing in the school district, a school district of enrollment



1 shall establish a period of time for resident pupil enrollment prior  
2 to accepting transfer applications pursuant to this article.

3 ~~48355. (a) The school district of residence of a pupil or a~~  
4 ~~school district of enrollment to which a pupil has applied to attend~~  
5 ~~may prohibit the transfer of the pupil pursuant to this article or~~  
6 ~~limit the number of pupils who transfer pursuant to this article if~~  
7 ~~the governing board of the district determines that the transfer~~  
8 ~~would negatively impact either of the following:~~

9 ~~(1) A court-ordered desegregation plan of the district.~~

10 ~~(2) The racial and ethnic balance of the district, provided that~~  
11 ~~any policy adopted pursuant to this paragraph is consistent with~~  
12 ~~federal and state law.~~

13 ~~(b) A school district of residence shall not adopt any other~~  
14 ~~policies that in any way prevent or discourage pupils from applying~~  
15 ~~for a transfer to a school district of enrollment.~~

16 ~~48356. (a) A school district of enrollment may adopt specific,~~  
17 ~~written standards for acceptance and rejection of applications~~  
18 ~~pursuant to this article. The standards may include consideration~~  
19 ~~of the capacity of a program, class, grade level, or school building.~~  
20 ~~Subject to subdivision (b), and except as necessary in accordance~~  
21 ~~with Section 48355, the standards shall not include consideration~~  
22 ~~of a pupil's previous academic achievement, physical condition,~~  
23 ~~proficiency in the English language, sex, national origin, or race.~~

24 ~~(b) In considering an application pursuant to this article, a~~  
25 ~~nonresident school district may apply its usual requirements for~~  
26 ~~admission to a magnet school or a program designed to serve gifted~~  
27 ~~and talented pupils.~~

28 ~~(c) Subject to the rules and standards that apply to pupils who~~  
29 ~~reside in the school district of enrollment, a resident pupil who is~~  
30 ~~enrolled in one of the district's schools pursuant to this article shall~~  
31 ~~not be required to submit an application in order to remain enrolled.~~

32 ~~(d) A school district of enrollment shall ensure that pupils~~  
33 ~~enrolled pursuant to standards adopted pursuant to this section are~~  
34 ~~selected through a random, unbiased process that prohibits an~~  
35 ~~evaluation of whether or not the pupil should be enrolled based~~  
36 ~~on his or her individual academic or athletic performance, except~~  
37 ~~that pupils applying for a transfer pursuant to this article shall be~~  
38 ~~assigned priority for approval as follows:~~

39 ~~(1) First priority for the siblings of children who already attend~~  
40 ~~the desired school.~~

~~(2) Second priority for pupils transferring from a program improvement school ranked in decile 1 on the Academic Performance Index determined pursuant to subdivision (a) of Section 48352.~~

~~(3) Third priority for pupils transferring from a program improvement school ranked in decile 2 on the Academic Performance Index determined pursuant to subdivision (a) of Section 48352.~~

~~(4) Fourth priority for pupils transferring from a program improvement school ranked in decile 3 on the Academic Performance Index determined pursuant to subdivision (a) of Section 48352.~~

~~(5) If the number of pupils who request a particular school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order identified in paragraphs (1) to (4), inclusive, to select pupils at random until all of the available spaces are filled.~~

~~(e) The initial application of a pupil for transfer to a school within a school district of enrollment shall not be approved if the transfer would require the displacement from the desired school of any other pupil who resides within the attendance area of that school or is currently enrolled in that school.~~

~~(f) A pupil approved for a transfer to a school district of enrollment pursuant to this article shall be deemed to have fulfilled the requirements of Section 48204.~~

~~48357. Within 60 days of receiving an application pursuant to Section 48354, a school district of enrollment shall notify the applicant parent and the school district of residence in writing whether the application has been accepted or rejected. If an application is rejected, the school district of enrollment shall state in the notification the reasons for the rejection.~~

~~48358. A school district of enrollment that enrolls a pupil pursuant to this article shall accept credits toward graduation that were awarded to the pupil by another school district and shall graduate the pupil if the pupil meets the graduation requirements of the school district of enrollment.~~

~~48359. (a) Each school district is encouraged to keep an accounting of all requests made for alternative attendance pursuant to this article and records of all disposition of those requests that may include, but are not limited to, all of the following:~~

1     ~~(1) The number of requests granted, denied, or withdrawn. In~~  
2     ~~the case of denied requests, the records may indicate the reasons~~  
3     ~~for the denials.~~

4     ~~(2) The number of pupils who transfer out of the district.~~

5     ~~(3) The number of pupils who transfer into the district.~~

6     ~~(b) The information maintained pursuant to subdivision (a) may~~  
7     ~~be reported to the governing board of the school district at a~~  
8     ~~regularly scheduled meeting of the governing board.~~

9     ~~48360. It is the intent of the Legislature that this article be~~  
10    ~~declaratory of federal law, which provides pupils in schools under~~  
11    ~~program improvement, corrective action, or restructuring an~~  
12    ~~opportunity for open enrollment.~~

13    ~~SEC. 7. Article 5 (commencing with Section 52065) is added~~  
14    ~~to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education~~  
15    ~~Code, to read:~~

16  
17       Article 5. Accountability Measures for the Persistently Lowest  
18                               Achieving Schools  
19

20     ~~52065. (a) By February 1, 2010, or the effective date of this~~  
21     ~~article, whichever is later, the Superintendent shall make~~  
22     ~~recommendations to the state board regarding all of the following:~~

23       ~~(1) The criteria the Superintendent and the state board should~~  
24       ~~use to jointly determine which public schools are subject to the~~  
25       ~~list required in Section 52066. In making recommendations~~  
26       ~~regarding these criteria, or selecting schools based on these criteria,~~  
27       ~~the Superintendent and the state board shall only consider schools~~  
28       ~~currently or likely to be subject to restructuring pursuant to Section~~  
29       ~~1116 of the federal Elementary and Secondary Education Act (20~~  
30       ~~U.S.C. Sec. 6301 et seq.) in the subsequent school year. The state~~  
31       ~~board may also consider other objective data, including, but not~~  
32       ~~limited to, the results of the California Standards Test, the~~  
33       ~~Academic Performance Index, and dropout and graduation rates.~~

34       ~~(2) The conditions that must exist for a school to be removed~~  
35       ~~from the list established pursuant to Section 52066.~~

36       ~~(b) On or before February 1, 2010, or the effective date of this~~  
37       ~~article, whichever is later, the Superintendent shall make~~  
38       ~~recommendations on the criteria and conditions described in~~  
39       ~~paragraph (1) to the state board, and on or before April 1, 2010,~~  
40       ~~or the effective date of this article, whichever is later, the state~~

board shall approve these criteria and conditions, with any revisions deemed necessary by the state board.

~~52066. (a) In accordance with the regulations and guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the guidelines for the federal School Improvement Grants, authorized under the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), on or before June 1, 2010, or the effective date of this article, whichever is later, and each year thereafter the state board and the Superintendent, using the criteria established pursuant to Section 52065, shall jointly determine the lowest achieving 5 percent of the persistently lowest achieving public schools in the state subject to this article, except as provided in subdivision (b):~~

~~(b) The state board and the Superintendent shall consider not determining schools under subdivision (a) that are showing significant progress under existing state intervention programs, as determined by the state board and the Superintendent, provided that not determining those schools is consistent with federal School Improvement Grant laws and regulations:~~

~~(c) Within 30 days of making the determination in subdivision (a), the Superintendent shall notify each local educational agency responsible for oversight of a public school that is determined and ensure that the governing board has provided each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school determined in subdivision (a) the notices required by both of the following:~~

~~(1) Section 1116(b)(7)(E) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.):~~

~~(2) Section 1116(b)(8)(C) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.):~~

~~52067. (a) Upon determining a school pursuant to Section 52066, the Superintendent and the state board shall direct the local educational agency responsible for each determined school to evaluate the reasons for the determination and approve in a public hearing at least one of the locally developed renewal efforts specified in Section 1116(b)(8)(B) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), including those activities required in the regulations and guidelines for the federal Race to the Top Fund, authorized under the federal~~

1 American Recovery and Reinvestment Act of 2009 (Public Law  
2 111-5), and the guidelines for the federal School Improvement  
3 Grants, authorized under the federal Elementary and Secondary  
4 Education Act (20 U.S.C. Sec. 6301 et seq.).

5 (b) For any other school which, after one full school year, is  
6 subject to corrective action pursuant to paragraph (7) of Section  
7 1116(b) of the federal Elementary and Secondary Education Act  
8 (20 U.S.C. Sec 6301 et seq.) and continues to fail to make adequate  
9 yearly progress, and where at least one-half of the parents or legal  
10 guardians of pupils attending the school, or a combination of at  
11 least one-half of the parents or legal guardians of pupils attending  
12 the school and the elementary or middle schools that normally  
13 matriculate into a middle or high school, as applicable, sign a  
14 petition requesting the local educational agency to implement one  
15 or more of the five federally mandated alternative governance  
16 arrangements pursuant to Section 1116(b)(8) of the federal  
17 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301  
18 et seq.), the local educational agency shall implement the option  
19 requested by the parents unless, in a regularly scheduled public  
20 hearing, the local educational agency makes a finding in writing  
21 why it cannot implement the specific recommended option and  
22 instead designates in writing which of the other federally mandated  
23 alternative governance arrangements it will implement in the  
24 subsequent school year consistent with requirements specified in  
25 federal regulations and guidelines for schools subject to  
26 restructuring under Section 1116(b)(8) of the federal Elementary  
27 and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.). If the  
28 local educational agency indicates in writing that it will implement  
29 in the upcoming school year a different alternative governance  
30 arrangement than requested by the parents, the local educational  
31 agency shall notify the Superintendent and the state board that the  
32 alternative governance option selected has substantial promise of  
33 enabling the school to make adequate yearly progress as defined  
34 in the federally mandated state plan under Section 1111(b)(2) of  
35 the federal Elementary and Secondary Education Act (20 U.S.C.  
36 Sec. 6301 et seq.).

37 (c) For the high schools determined in subdivision (a) of Section  
38 52066, the renewal efforts shall focus primarily on significant  
39 annual increases toward a four-year graduation rate goal of 90  
40 percent, as calculated pursuant to subparagraph (A) of paragraph

1 (4) of subdivision (a) of Section 52052. The evaluation required  
2 in Section 52068 shall include an assessment of the efficacy of  
3 any strategies employed to increase graduation rates at each of the  
4 determined high schools.

5 (d) If a school determined pursuant to subdivision (a) of Section  
6 52066 is a charter school, the Superintendent shall recommend  
7 revocation of the charter to the state board pursuant to subdivision  
8 (e) of Section 47604.5.

9 (e) No later than 90 days after receipt of a recommendation for  
10 revocation pursuant to subdivision (c), the state board shall hold  
11 a public hearing to consider the revocation of the charter.

12 52068. The department shall contract for an independent  
13 evaluation of the program established by this article. The costs of  
14 the evaluation shall be paid for from federal funds appropriated to  
15 the department. The evaluation shall determine whether this  
16 program has been effective in improving pupil achievement and  
17 shall identify components of successful school renewal. The  
18 evaluation shall be submitted, no later than March 1, 2015, to the  
19 Chairpersons of the Joint Legislative Budget Committee, the  
20 Assembly Committee on Budget, the Senate Committee on Budget  
21 and Fiscal Review, the Assembly Committee on Education, the  
22 Senate Committee on Education, the Governor, and the Director  
23 of Finance.

24 SEC. 8. Chapter 4.5 (commencing with Section 60550) is added  
25 to Part 33 of Division 4 of Title 2 of the Education Code, to read:

26  
27 CHAPTER 4.5. COMMON CORE STATE STANDARDS  
28

29 60550. No later than November 1, 2010, the state board shall  
30 amend the reading, writing, and mathematics academic content  
31 standards adopted by the state board in 1997 by adopting the grade  
32 level academic standards developed as part of the Common Core  
33 State Standards Initiative and required by the federal Race to the  
34 Top Fund, authorized under the federal American Recovery and  
35 Reinvestment Act of 2009 (Public Law 111-5). The state board  
36 shall only add at each grade level any additional standards to ensure  
37 that the rigor of the academic content standards adopted in 1997  
38 is maintained or exceeded. The revised academic content standards  
39 shall be integrated into the state educational system pursuant to

1 the curriculum framework and textbook adoption process for those  
2 academic subjects as determined by the state board.

3 ~~SEC. 9. Section 60900 of the Education Code is amended to~~  
4 ~~read:~~

5 ~~60900. (a) The department shall contract for the development~~  
6 ~~of proposals which will provide for the retention and analysis of~~  
7 ~~longitudinal pupil achievement data on the tests administered~~  
8 ~~pursuant to Chapter 5 (commencing with Section 60600), Chapter~~  
9 ~~7 (commencing with Section 60810), and Chapter 9 (commencing~~  
10 ~~with Section 60850). The longitudinal data shall be known as the~~  
11 ~~California Longitudinal Pupil Achievement Data System.~~

12 ~~(b) The proposals developed pursuant to subdivision (a) shall~~  
13 ~~evaluate and determine whether it would be most effective, from~~  
14 ~~both a fiscal and a technological perspective, for the state to own~~  
15 ~~the system. The proposals shall additionally evaluate and determine~~  
16 ~~the most effective means of housing the system.~~

17 ~~(c) The California Longitudinal Pupil Achievement Data System~~  
18 ~~shall be developed and implemented in accordance with all state~~  
19 ~~rules and regulations governing information technology projects.~~

20 ~~(d) The system or systems developed pursuant to this section~~  
21 ~~shall be used to accomplish all of the following goals:~~

22 ~~(1) To provide school districts and the department access to~~  
23 ~~data necessary to comply with federal reporting requirements~~  
24 ~~delineated in the federal No Child Left Behind Act of 2001 (20~~  
25 ~~U.S.C. Sec. 6301 et seq.).~~

26 ~~(2) To provide a better means of evaluating educational progress~~  
27 ~~and investments over time.~~

28 ~~(3) To provide local educational agencies information that can~~  
29 ~~be used to improve pupil achievement.~~

30 ~~(4) To provide an efficient, flexible, and secure means of~~  
31 ~~maintaining longitudinal statewide pupil level data.~~

32 ~~(5) To publicly report data, as specified in Section 6401(e)(2)(D)~~  
33 ~~of the federal America COMPETES Act (Public Law 110-69),~~  
34 ~~required as an indicator or descriptor, that are made available to~~  
35 ~~anyone with access to an Internet connection without having to~~  
36 ~~submit a request to the entity that maintains the data and~~  
37 ~~information in order to access that data and information.~~

38 ~~(e) In order to comply with federal law as delineated in the No~~  
39 ~~Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the~~

1 local educational agency shall retain individual pupil records for  
2 each test taker, including all of the following:

3 (1) ~~All demographic data collected from the STAR Program~~  
4 ~~test, high school exit examination, and English language~~  
5 ~~development tests.~~

6 (2) ~~Pupil achievement data from assessments administered~~  
7 ~~pursuant to the STAR Program, high school exit examination, and~~  
8 ~~English language development testing programs. To the extent~~  
9 ~~feasible, data should include subscore data within each content~~  
10 ~~area.~~

11 (3) ~~A unique pupil identification number to be identical to the~~  
12 ~~pupil identifier developed pursuant to the California School~~  
13 ~~Information Services, which shall be retained by each local~~  
14 ~~educational agency and used to ensure the accuracy of information~~  
15 ~~on the header sheets of the STAR Program tests, high school exit~~  
16 ~~examination, and the English language development test.~~

17 (4) ~~All data necessary to compile reports required by the federal~~  
18 ~~No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),~~  
19 ~~including, but not limited to, dropout and graduation rates.~~

20 (5) ~~Other data elements deemed necessary by the~~  
21 ~~Superintendent, with approval of the state board, to comply with~~  
22 ~~the federal reporting requirements delineated in the No Child Left~~  
23 ~~Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and programs~~  
24 ~~implemented pursuant to the American Recovery and Reinvestment~~  
25 ~~Act of 2009 (Public Law 111-5), after review and comment by the~~  
26 ~~advisory board convened pursuant to subdivision (h).~~

27 Prior to the implementation of this paragraph, with respect to  
28 adding data elements to the California Longitudinal Pupil  
29 Achievement Data System for the purpose of complying with the  
30 federal American Recovery and Reinvestment Act of 2009 (Public  
31 Law 111-5), the department and the appropriate postsecondary  
32 education agencies shall submit an expenditure plan to the  
33 Department of Finance detailing any administrative costs to the  
34 department and costs to any local educational agency, if applicable.  
35 The Department of Finance shall provide to the Joint Legislative  
36 Budget Committee a copy of the expenditure plan within 10 days  
37 of receipt of the expenditure plan.

38 (6) ~~To enable the department, the University of California, the~~  
39 ~~California State University, and the Chancellor of the California~~  
40 ~~Community Colleges, to meet the requirements prescribed by the~~



1 federal American Recovery and Reinvestment Act of 2009 (Public  
2 Law 111-5), these entities shall be authorized to obtain quarterly  
3 wage data, commencing July 1, 2010, on students who have  
4 attended their respective systems, to assess the impact of education  
5 on the employment and earnings of those students, to conduct the  
6 annual analysis of district-level and individual-district or  
7 postsecondary education system performance in achieving priority  
8 educational outcomes, and to submit the required reports to the  
9 Legislature and the Governor. The information shall be provided  
10 to the extent permitted by federal statutes and regulations.

11 (f) The California Longitudinal Pupil Achievement Data System  
12 shall have all of the following characteristics:

13 (1) The ability to sort by demographic element collected from  
14 the STAR Program tests, high school exit examination, and English  
15 language development test.

16 (2) The capability to be expanded to include pupil achievement  
17 data from multiple years.

18 (3) The capability to monitor pupil achievement on the STAR  
19 Program tests, high school exit examination, and English language  
20 development test from year to year and school to school.

21 (4) The capacity to provide data to the state and local educational  
22 agencies upon their request.

23 (g) Data elements and codes included in the system shall comply  
24 with Sections 49061 to 49079, inclusive, and Sections 49602 and  
25 56347, with Sections 430 to 438, inclusive, of Title 5 of the  
26 California Code of Regulations, with the Information Practices  
27 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title  
28 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal  
29 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),  
30 Section 1242h of Title 20 of the United States Code, and related  
31 federal regulations.

32 (h) The department shall convene an advisory board consisting  
33 of representatives from the state board, the Secretary for Education,  
34 the Department of Finance, the State Privacy Ombudsman, the  
35 Legislative Analyst's Office, representatives of parent groups,  
36 school districts, and local educational agencies, and education  
37 researchers to establish privacy and access protocols, provide  
38 general guidance, and make recommendations relative to data  
39 elements. The department is encouraged to seek representation  
40 broadly reflective of the general public of California.

(i) ~~Subject to funding being provided in the annual Budget Act, the department shall contract with a consultant for independent project oversight. The Director of Finance shall review the request for proposals for the contract. The consultant hired to conduct the independent project oversight shall twice annually submit a written report to the Superintendent, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. The report shall include an evaluation of the extent to which the California Longitudinal Pupil Achievement Data System is meeting the goals described in subdivision (d) and recommendations to improve the data system in ensuring the privacy of individual pupil information and providing the data needed by the state and school districts.~~

(j) ~~This section shall be implemented using federal funds received pursuant to the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of this section in Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002). The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.~~

(k) ~~For purposes of this chapter, a local educational agency shall include a county office of education, a school district, or charter school.~~

~~SEC. 10. Section 1095 of the Unemployment Insurance Code is amended to read:~~

~~1095. The director shall permit the use of any information in his or her possession to the extent necessary for any of the following purposes and may require reimbursement for all direct costs incurred in providing any and all information specified in this section, except information specified in subdivisions (a) to (e), inclusive:~~

~~(a) To enable the director or his or her representative to carry out his or her responsibilities under this code.~~

~~(b) To properly present a claim for benefits.~~

~~(c) To acquaint a worker or his or her authorized agent with his or her existing or prospective right to benefits.~~

~~(d) To furnish an employer or his or her authorized agent with information to enable him or her to fully discharge his or her~~

1 obligations or safeguard his or her rights under this division or  
2 Division 3 (commencing with Section 9000):

3 (e) ~~To enable an employer to receive a reduction in contribution~~  
4 ~~rate.~~

5 (f) ~~To enable federal, state, or local government departments~~  
6 ~~or agencies, subject to federal law, to verify or determine the~~  
7 ~~eligibility or entitlement of an applicant for, or a recipient of, public~~  
8 ~~social services provided pursuant to Division 9 (commencing with~~  
9 ~~Section 10000) of the Welfare and Institutions Code, or Part A of~~  
10 ~~Title IV of the Social Security Act, where the verification or~~  
11 ~~determination is directly connected with, and limited to, the~~  
12 ~~administration of public social services.~~

13 (g) ~~To enable county administrators of general relief or~~  
14 ~~assistance, or their representatives, to determine entitlement to~~  
15 ~~locally provided general relief or assistance, where the~~  
16 ~~determination is directly connected with, and limited to, the~~  
17 ~~administration of general relief or assistance.~~

18 (h) ~~To enable state or local governmental departments or~~  
19 ~~agencies to seek criminal, civil, or administrative remedies in~~  
20 ~~connection with the unlawful application for, or receipt of, relief~~  
21 ~~provided under Division 9 (commencing with Section 10000) of~~  
22 ~~the Welfare and Institutions Code or to enable the collection of~~  
23 ~~expenditures for medical assistance services pursuant to Part 5~~  
24 ~~(commencing with Section 17000) of Division 9 of the Welfare~~  
25 ~~and Institutions Code.~~

26 (i) ~~To provide any law enforcement agency with the name,~~  
27 ~~address, telephone number, birth date, social security number,~~  
28 ~~physical description, and names and addresses of present and past~~  
29 ~~employers, of any victim, suspect, missing person, potential~~  
30 ~~witness, or person for whom a felony arrest warrant has been~~  
31 ~~issued, when a request for this information is made by any~~  
32 ~~investigator or peace officer as defined by Sections 830.1 and~~  
33 ~~830.2 of the Penal Code, or by any federal law enforcement officer~~  
34 ~~to whom the Attorney General has delegated authority to enforce~~  
35 ~~federal search warrants, as defined under Sections 60.2 and 60.3~~  
36 ~~of Title 28 of the Code of Federal Regulations, as amended, and~~  
37 ~~when the requesting officer has been designated by the head of~~  
38 ~~the law enforcement agency and requests this information in the~~  
39 ~~course of and as a part of an investigation into the commission of~~  
40 ~~a crime when there is a reasonable suspicion that the crime is a~~

1 felony and that the information would lead to relevant evidence.  
2 The information provided pursuant to this subdivision shall be  
3 provided to the extent permitted by federal law and regulations;  
4 and to the extent the information is available and accessible within  
5 the constraints and configurations of existing department records.  
6 Any person who receives any information under this subdivision  
7 shall make a written report of the information to the law  
8 enforcement agency that employs him or her, for filing under the  
9 normal procedures of that agency.

10 (1) This subdivision shall not be construed to authorize the  
11 release to any law enforcement agency of a general list identifying  
12 individuals applying for or receiving benefits.

13 (2) The department shall maintain records pursuant to this  
14 subdivision only for periods required under regulations or statutes  
15 enacted for the administration of its programs.

16 (3) This subdivision shall not be construed as limiting the  
17 information provided to law enforcement agencies to that pertaining  
18 only to applicants for, or recipients of, benefits.

19 (4) The department shall notify all applicants for benefits that  
20 release of confidential information from their records will not be  
21 protected should there be a felony arrest warrant issued against  
22 the applicant or in the event of an investigation by a law  
23 enforcement agency into the commission of a felony.

24 (j) To provide public employee retirement systems in California  
25 with information relating to the earnings of any person who has  
26 applied for or is receiving a disability income, disability allowance,  
27 or disability retirement allowance, from a public employee  
28 retirement system. The earnings information shall be released only  
29 upon written request from the governing board specifying that the  
30 person has applied for or is receiving a disability allowance or  
31 disability retirement allowance from its retirement system. The  
32 request may be made by the chief executive officer of the system  
33 or by an employee of the system so authorized and identified by  
34 name and title by the chief executive officer in writing.

35 (k) To enable the Division of Labor Standards Enforcement in  
36 the Department of Industrial Relations to seek criminal, civil, or  
37 administrative remedies in connection with the failure to pay, or  
38 the unlawful payment of, wages pursuant to Chapter 1  
39 (commencing with Section 200) of Part 1 of Division 2 of, and

Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of, the Labor Code.

(l) To enable federal, state, or local governmental departments or agencies to administer child support enforcement programs under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(m) To provide federal, state, or local governmental departments or agencies with wage and claim information in its possession that will assist those departments and agencies in the administration of the Victims of Crime Program or in the location of victims of crime who, by state mandate or court order, are entitled to restitution that has been or can be recovered.

(n) To provide federal, state, or local governmental departments or agencies with information concerning any individuals who are or have been:

(1) Directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law.

(2) Delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by those agencies. The information released by the director for the purposes of this paragraph shall not include unemployment insurance benefit information.

(o) To provide an authorized governmental agency with any or all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For the purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of the Bureau for Private Postsecondary and Vocational Education, or his or her representatives, to access unemployment insurance quarterly wage

1 data on a case-by-case basis to verify information on school  
2 administrators, school staff, and students provided by those schools  
3 who are being investigated for possible violations of Chapter 7  
4 (commencing with Section 94700) of Part 59 of the Education  
5 Code.

6 (q) To provide employment tax information to the tax officials  
7 of Mexico, if a reciprocal agreement exists. For purposes of this  
8 subdivision, “reciprocal agreement” means a formal agreement to  
9 exchange information between national taxing officials of Mexico  
10 and taxing authorities of the State Board of Equalization, the  
11 Franchise Tax Board, and the Employment Development  
12 Department. Furthermore, the reciprocal agreement shall be limited  
13 to the exchange of information that is essential for tax  
14 administration purposes only. Taxing authorities of the State of  
15 California shall be granted tax information only on California  
16 residents. Taxing authorities of Mexico shall be granted tax  
17 information only on Mexican nationals.

18 (r) To enable city and county planning agencies to develop  
19 economic forecasts for planning purposes. The information shall  
20 be limited to businesses within the jurisdiction of the city or county  
21 whose planning agency is requesting the information, and shall  
22 not include information regarding individual employees.

23 (s) To provide the State Department of Developmental Services  
24 with wage and employer information that will assist in the  
25 collection of moneys owed by the recipient, parent, or any other  
26 legally liable individual for services and supports provided pursuant  
27 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
28 and Chapter 2 (commencing with Section 7200) and Chapter 3  
29 (commencing with Section 7500) of Division 7 of, the Welfare  
30 and Institutions Code.

31 (t) Nothing in this section shall be construed to authorize or  
32 permit the use of information obtained in the administration of this  
33 code by any private collection agency.

34 (u) The disclosure of the name and address of an individual or  
35 business entity that was issued an assessment that included  
36 penalties under Section 1128 or 1128.1 shall not be in violation  
37 of Section 1094 if the assessment is final. The disclosure may also  
38 include any of the following:

39 (1) The total amount of the assessment.

1     ~~(2) The amount of the penalty imposed under Section 1128 or~~  
2     ~~1128.1 that is included in the assessment.~~

3     ~~(3) The facts that resulted in the charging of the penalty under~~  
4     ~~Section 1128 or 1128.1.~~

5     ~~(v) To enable the Contractors' State License Board to verify~~  
6     ~~the employment history of an individual applying for licensure~~  
7     ~~pursuant to Section 7068 of the Business and Professions Code.~~

8     ~~(w) To provide any peace officer with the Division of~~  
9     ~~Investigation in the Department of Consumer Affairs information~~  
10    ~~pursuant to subdivision (i) when the requesting peace officer has~~  
11    ~~been designated by the Chief of the Division of Investigation and~~  
12    ~~requests this information in the course of and as part of an~~  
13    ~~investigation into the commission of a crime or other unlawful act~~  
14    ~~when there is reasonable suspicion to believe that the crime or act~~  
15    ~~may be connected to the information requested and would lead to~~  
16    ~~relevant information regarding the crime or unlawful act.~~

17    ~~(x) To enable the Labor Commissioner of the Division of Labor~~  
18    ~~Standards Enforcement in the Department of Industrial Relations~~  
19    ~~to identify, pursuant to Section 90.3 of the Labor Code, unlawfully~~  
20    ~~uninsured employers. The information shall be provided to the~~  
21    ~~extent permitted by federal law and regulations.~~

22    ~~(y) To enable the Chancellor of the California Community~~  
23    ~~Colleges, in accordance with the requirements of Section 84754.5~~  
24    ~~of the Education Code, to obtain quarterly wage data, commencing~~  
25    ~~January 1, 1993, on students who have attended one or more~~  
26    ~~community colleges, to assess the impact of education on the~~  
27    ~~employment and earnings of students, to conduct the annual~~  
28    ~~evaluation of district-level and individual college performance in~~  
29    ~~achieving priority educational outcomes, and to submit the required~~  
30    ~~reports to the Legislature and the Governor. The information shall~~  
31    ~~be provided to the extent permitted by federal statutes and~~  
32    ~~regulations.~~

33    ~~(z) To enable the Public Employees' Retirement System to seek~~  
34    ~~criminal, civil, or administrative remedies in connection with the~~  
35    ~~unlawful application for, or receipt of, benefits provided under~~  
36    ~~Part 3 (commencing with Section 20000) of Division 5 of Title 2~~  
37    ~~of the Government Code.~~

38    ~~(aa) To enable the State Department of Education, the University~~  
39    ~~of California, the California State University, and the Chancellor~~  
40    ~~of the California Community Colleges, pursuant to the~~

1 requirements prescribed by the federal American Recovery and  
2 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
3 wage data, commencing July 1, 2010, on students who have  
4 attended their respective systems to assess the impact of education  
5 on the employment and earnings of those students, to conduct the  
6 annual analysis of district-level and individual-district or  
7 postsecondary education system performance in achieving priority  
8 educational outcomes, and to submit the required reports to the  
9 Legislature and the Governor. The information shall be provided  
10 to the extent permitted by federal statutes and regulations.

11 SEC. 11. (a) The Governor, the Superintendent of Public  
12 Instruction, and the State Board of Education shall jointly develop  
13 a single high-quality plan or multiple plans, in collaboration with  
14 participating local educational agencies, as necessary, to submit  
15 as part of a Phase 1 application for federal Race to the Top funds,  
16 authorized under the federal American Recovery and Reinvestment  
17 Act of 2009 (Public Law 111-5). The plan or plans shall include  
18 all of the following:

19 (1) Explicit and transparent criteria for determining the lowest  
20 achieving 5 percent of the persistently lowest  
21 achieving schools in accordance with the regulations and guidelines  
22 for the federal Race to the Top Fund, authorized under the federal  
23 American Recovery and Reinvestment Act of 2009 (Public Law  
24 111-5), and the guidelines for the federal School Improvement  
25 Grants, authorized under the federal Elementary and Secondary  
26 Education Act (20 U.S.C. Sec. 6301 et seq.).

27 (2) Strategies for turning around the persistently lowest  
28 achieving schools that are consistent with federal Race to the Top  
29 guidelines.

30 (3) A comprehensive and coherent reform agenda that articulates  
31 the goals for implementing reforms in the four education areas  
32 described in the federal American Recovery and Reinvestment  
33 Act of 2009 (Public Law 111-5) and improving pupil achievement  
34 statewide, establishes a clear and credible path to achieving these  
35 goals, and includes specific reform plans within the application  
36 that meets those goals.

37 (4) Addressing the need for improvement in science, technology,  
38 engineering, and mathematics education throughout the application.

39 (b) The participating local educational agencies shall enter into  
40 a memorandum of understanding with the President of the State



1 Board of Education that meets the requirements expressed in the  
2 federal Race to the Top guidelines and that is signed by as many  
3 as possible of each participating local educational agency's  
4 superintendents of schools, or their equivalents, presidents of the  
5 local governing boards, or their equivalents, and the leaders of the  
6 local collective bargaining units for teachers, if applicable.

7 (e) The State Board of Education may provide a participating  
8 local educational agency with the flexibility authorized pursuant  
9 to Section 47610 of the Education Code to implement the plan  
10 developed pursuant to subdivision (a) of this section and meet the  
11 goals and requirements of the federal Race to the Top guidelines.

12 SEC. 12. (a) On or before April 1, 2010, or the effective date  
13 of this act, whichever is later, the Fiscal Crisis Management and  
14 Assistance Team shall convene a task force for the purpose of  
15 developing all of the following:

16 (1) A standardized process for the reporting of charter school  
17 financial and accounting data that would be applicable to all charter  
18 schools.

19 (2) A standardized process for the provision of annual  
20 independent financial and compliance audits of charter schools.

21 (b) The task force shall include representatives of the Controller,  
22 the Department of Finance, the State Department of Education,  
23 school business officials, staff from both houses of the Legislature,  
24 charter school representatives, and other stakeholders, as necessary.  
25 The task force may consider whether the auditing and fiscal  
26 reporting processes for traditional public schools are appropriate  
27 for charter schools, or if alternative standardized methods are  
28 preferable. The task force shall submit recommendations to the  
29 Legislature on or before December 1, 2010, or the effective date  
30 of this act, whichever is later.

31 SEC. 13. (a) The Legislature finds and declares that this act  
32 is declaratory of the requirements and definitions specified in the  
33 federal guidelines for the federal Race to the Top Fund. It is the  
34 intent of the Legislature that, to the extent that the federal  
35 guidelines are revised, the state plan or plans also be revised  
36 accordingly.

37 (b) The agreements necessary for local educational agencies to  
38 fulfill the requirements of this act may be accomplished using  
39 memorandums of understanding between individual local  
40 educational agencies and the state.

1     ~~SEC. 14. If the Commission on State Mandates determines~~  
2     ~~that this act contains costs mandated by the state, reimbursement~~  
3     ~~to local agencies and school districts for those costs shall be made~~  
4     ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
5     ~~4 of Title 2 of the Government Code.~~

O